

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

VIRTUAL PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 8, 2020

+ + + + +

The Virtual Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 10:11 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
CARLTON HART, Vice Chair (NCPC)  
LORNA JOHN, Board Member

ZONING COMMISSION MEMBER PRESENT:

PETER MAY

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN  
KAREN THOMAS  
MAXINE BROWN-ROBERTS  
ANNE FOTHERGILL  
CRYSTAL MYERS  
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.  
MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from  
the Virtual Public Hearing held on July 8, 2020.

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P-R-O-C-E-E-D-I-N-G-S

10:11 a.m.

1  
2  
3 CHAIRPERSON HILL: This hearing will please  
4 come to order. Good morning, ladies and gentlemen. We're  
5 conducting the Public Hearing via Webex video conference.  
6 This is the July 8th, 2020, public hearing of the Board of  
7 Zoning Adjustment, District of Columbia, to convene action  
8 on a chancery application pursuant to the Foreign Missions  
9 Act, 22 U.S.C. 4301-4316, and Chapter 10 of the Zoning  
10 Regulations.

11 My name is Fred Hill, Chairperson. Joining me  
12 today is Lorna John, Board member. The Federal  
13 representatives are Marcel Acosta, representing the  
14 National Capital Planning Commission, and Peter May,  
15 representing the U.S. National Park Service. Copies of  
16 today's agenda are available on the Office of Zoning  
17 website. Please be advised this proceeding is being  
18 recorded by a court reporter.

19 The order of procedures for Foreign Mission  
20 cases are listed in the regulations. Please note that the  
21 requests for party status in a chancery application are  
22 not applicable in a rulemaking proceeding.

23 The record will be closed at the conclusion of  
24 the case, except it will remain open for any material  
25 specifically requested by the Board. The Board and the

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1 staff will specify at the end of the meeting exactly what  
2 is expected and the date when the material must be  
3 submitted to the Office of Zoning. After the record is  
4 closed, no other information will be accepted by the  
5 Board.

6 The District of Columbia Administrative  
7 Procedures Act requires the public hearing on each case be  
8 held in the open in front of the public.

9 Pursuant to Section 405(b) and 406 of the Act,  
10 the Board may, consistent with its rules of procedure,  
11 enter into a closed meeting on a case for purposes of  
12 seeking legal counsel in a case pursuant to D.C. Official  
13 Code, Section 2-575(b)4 and/or to deliberate on a case  
14 pursuant to D.C. Official Code Section 2-575(b)13, but  
15 only after providing the necessary public notice. In the  
16 case of an emergency closed meeting, I'll be taking a roll  
17 call vote.

18 The decision of the Board in legislative  
19 proceedings must be included in the public record.  
20 Preliminary matters are those whether which case will be  
21 heard today, such as requests for postponement,  
22 continuance, or withdrawals.

23 Mr. Secretary, do we have any preliminary  
24 notices -- issues to deal with today?

25 MR. MOY: Not on this application, Mr.

1 Chairman.

2 CHAIRPERSON HILL: Okay. Mr. Young, could you  
3 please bring in the Applicants?

4 Mr. Sinani, is that -- are you there?

5 MR. SINANI: Can you hear me?

6 CHAIRPERSON HILL: Now I can hear you. Yes,  
7 sir.

8 MR. SINANI: Okay, that's me.

9 CHAIRPERSON HILL: Do you have the ability to  
10 show a video?

11 MR. SINANI: I am thinking I'm doing.

12 CHAIRPERSON HILL: Maybe if you hover over the  
13 screen with your cursor at the bottom left, it'll show a  
14 video icon.

15 MR. SINANI: Okay.

16 CHAIRPERSON HILL: If you left click, and then  
17 it'll -- then you left click on the video icon.

18 MR. SINANI: Okay, now I've got it.

19 CHAIRPERSON HILL: Okay, great. All right, Mr.  
20 Sinani, could you please introduce yourself for the  
21 record?

22 MR. SINANI: Yes. My name is Sejdi Sinani, and  
23 I represent the Applicant.

24 CHAIRPERSON HILL: I'm sorry, you represent  
25 who?

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1 MR. SINANI: The Applicant for the Case Number  
2 20254.

3 CHAIRPERSON HILL: Okay.

4 MR. SINANI: The chancery.

5 CHAIRPERSON HILL: Okay. So, Mr. Sinani, if  
6 you could please go ahead and walk us through the  
7 application, and -- if you can walk us through the  
8 application and then tell us what your client is trying to  
9 achieve and how you believe the standards are being met  
10 for us to grant the application. And you can begin  
11 whenever you like.

12 MR. SINANI: No problem, thank you. If you can  
13 pull the slide up. Okay, this is me, and also the  
14 contractor for the project.

15 Next slide. Okay, description of the proposed  
16 and surrounding area, property and surrounding area. The  
17 proposed project, which is proposed in order to complete  
18 renovation of the existing building. We'll also add two  
19 office spaces on the second floor on both sides from the  
20 principal building. The proposed addition will add  
21 approximately 100 square feet for each office. And the  
22 exterior facade will match the existing window building  
23 facade.

24 Next slide please. This is the existing  
25 building right now, and I have squares that will indicate

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1 the proposed addition will be here.

2           Next slide, please. This is the approved  
3 plans, which show all the additions to be built on both  
4 sides of the building.

5           Next slide. This is the west and then north  
6 elevation which --- the facility, the west hill. I think  
7 it's already addition in here was built probably in 1920s  
8 or '30s. I was not sure. I know building was built in  
9 1906. And basically, we're just adding in here, as you  
10 can see. And it will kick back from the front of the  
11 building, like, three feet in, will not extend -- go away  
12 to the facade, but it will match the -- both of the ones  
13 here.

14           Next slide, please. This is from the east  
15 elevation. That's where the other office will sit on the  
16 -- above the addition.

17           Next slide, please. This is a site plan. This  
18 red box you see here shows where the addition will go.  
19 And the perimeter fence that goes all around the property  
20 is on three sides of the property. And these are the two  
21 entrances. We're going to put sliding gates in here.

22           And the parking area, it's part of the Lot 23  
23 and 24, existing parking, you know. So they have three  
24 parking garages in here, gravel area here by Lot 16, 17.  
25 They have -- it's existing gravel area parking, and that

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1 will remain the same.

2           Next slide, please. Okay, description for  
3 relief request. Pursuant to the Subtitle U-203.1(b),  
4 chancery not meeting the conditions for a matter of right  
5 use. The subject property is located in R-1-B,  
6 residential zone. On this section of the Massachusetts  
7 Avenue reside several embassies from different countries.

8           The Applicant believes, based on the history of  
9 the subject property, it was used as a chancery for over  
10 50 years. In the surrounding area, the embassies from the  
11 other countries are located on the same zone. This  
12 location also meets requirements for use as a chancery,  
13 that's -- we believe.

14           Next slide, please. Pursuant to the Subtitle  
15 X-201.8(a), international obligation of the United States  
16 to facilitate the provision for adequate and secure  
17 facility for foreign mission in the nation's capital.  
18 Approval of this project renovation won't leave the United  
19 States for international obligation.

20           Next slide, please. B, preservation, the  
21 Applicant has coordinated all necessary requirements with  
22 the Department of Historic Preservation. And all proposed  
23 plans for this project have been approved.

24           Next slide. C, the adequacy of the lot. The  
25 proposed project, the requirements when they started the

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1 four or five parking spaces, now this project offer five  
2 on the side lot, two in the rear part, and a three-car  
3 garage, which is a total of 12 parking. It also has  
4 transportation parking in the -- three in the  
5 transportation in the parking that is approved for the  
6 property. And the public transportation in the area is  
7 adequate to serve a chancery.

8           The next slide, please. Next slide, please. D,  
9 the extent to which the area is capable of being  
10 adequately protected as determined by the Secretary of  
11 State after conclusion that a federal agency is authorized  
12 to perform protective service. This proposed property has  
13 been serving as foreign mission for the Government of  
14 Zambia as a chancery.

15           The proposed construction of this project will  
16 provide additional security for foreign mission by adding  
17 fencing there. And right now it doesn't have fencing in  
18 there. It will add more security after the fence.

19           Next slide, please. The municipal interest as  
20 determined by the Mayor of the District of Columbia.  
21 Approval of this application will allow the Applicant to  
22 restore the building that was built in 1906 and designed  
23 by Nathan C. Wyeth and William P. Cresson, Architects.

24           Wyeth is best known for designing the West Wing  
25 of the White House and creating the first Oval Office, so

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1 the building has a little bit of history. He is also  
2 known for designing many structures in Washington, D.C. --  
3 landscape by restoring and making the building more  
4 presentable to a surrounding neighborhood. The approval  
5 of the project to renovate and restore the existing -- the  
6 national --- on Massachusetts Avenue.

7           Next slide, please. And, F, the federal  
8 interest as determined by the Secretary of State. The  
9 Department of State is in support of the application as  
10 indicated on the transmittal letter from the Department of  
11 State as part of this application.

12           Next slide, please. Conclusion, all the plans  
13 for this proposed project have been approved by the DCRA,  
14 DOE, DDOT, and HPR23.B. So also I received a few calls  
15 from -- just to add this to our presentation, I received  
16 calls from the neighbors. They were anxious to see this  
17 project get finished. And, you know, they don't want to  
18 see the way it's sitting many years later. They call and  
19 ask all the time. Also the Applicant is anxious to finish  
20 the project.

21           And I talked also to the ANC. He also didn't  
22 have any issue with the project going forward. His name  
23 was David Bender, talked to him quite a while back. Kind  
24 of a mixed audience, so he was okay. And he knows us, we  
25 did another project for the same on 2300 Wyoming Avenue.

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1 He really is okay with it.

2           If anybody has any questions, I'd be happy to  
3 answer.

4           CHAIRPERSON HILL: Okay. Mr. Sinani, you kind  
5 of mentioned the ANC again. Is that what I overheard you  
6 say?

7           MR. SINANI: Yes.

8           CHAIRPERSON HILL: Is that the ANC you spoke  
9 to, the SMD?

10          MR. SINANI: Not to the -- maybe SMD, David  
11 Bender. I thought he was the ANC. But his name was David  
12 Bender. I called a while back, when I -- before I sent  
13 the application. And he was okay with it. I mean, he  
14 didn't have any issue. He was going to actually ask -- we  
15 also sent him the letter from the -- the same letter that  
16 I sent to the neighbors. And he said that he was going to  
17 -- he's okay. He didn't have an issue with it.

18          CHAIRPERSON HILL: So that's okay. I mean,  
19 you've done one of these before, Mr. Sinani?

20          MR. SINANI: This is my first time in DC, I did  
21 a while back one in Baltimore, but not in here, sir.

22          CHAIRPERSON HILL: I got you. So, I mean,  
23 normally you need to present in front of the full ANC.  
24 And then we get something from the ANC speaking to what  
25 their thoughts were about the project. And so even -- I

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1 mean, your testimony right now, just saying you spoke to  
2 some guy -- and I don't know off the top of my head if  
3 that is the SMD or if it's even an ANC Commissioner. In  
4 other words, I'm just saying it doesn't really do a whole  
5 lot for us.

6 MR. SINANI: Yes, I understand.

7 CHAIRPERSON HILL: But I think that, you know,  
8 the rest of the record is pretty full in terms of you have  
9 the information from the State Department. We did get the  
10 letter from the State Department. And also, I guess, I  
11 did see that the letters did go out to the people within  
12 the 200 feet.

13 You did have an affidavit of posting or an  
14 affidavit of maintenance of your posting, did you?

15 MR. SINANI: Yes, I did send -- I did email  
16 from State, I believe, I emailed it to you all. So ---

17 CHAIRPERSON HILL: I got it.

18 MR. SINANI: -- you should have it in there.

19 CHAIRPERSON HILL: Okay.

20 MR. SINANI: If I may say, when I talked to  
21 David Bender, and I asked him if it's -- you know,  
22 anything additional, anything else is needed, he said  
23 it'll be just fine. He will write it up that he's fine  
24 with this project.

25 CHAIRPERSON HILL: Yes, I see that. I mean,

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1 I'm sorry that you got that information. For the future,  
2 I'm letting you know you need to present in front of the  
3 full ANC. And if somebody says that it's okay, that's not  
4 really help you out. In this --

5 MR. SINANI: I understand.

6 CHAIRPERSON HILL: -- particular case, I think  
7 it might not be an issue. We'll see what the rest of my  
8 colleagues have to say. So that being the case, Ms. John,  
9 I'll go with you last if that's all right.

10 Mr. Acosta, do you have any questions? Your  
11 microphone is muted, sir. There you go.

12 MR. ACOSTA: Sorry about that. No, I just have  
13 one quick question. Do you contemplate a guard house as  
14 part of this project? I didn't see it on the site plan.  
15 I just wanted to make sure that there wasn't going to be  
16 supplementary addition or another addition to this after  
17 the fact. I just wanted to confirm that for the  
18 Applicant.

19 MR. SINANI: You're talking another addition?

20 MR. ACOSTA: A guard house by the gate.  
21 Sometimes some of these embassies have guard houses.

22 MR. SINANI: Oh.

23 MR. ACOSTA: I mean a guard house. I just  
24 wanted to make sure that wasn't part of this project. I  
25 did not see it ---

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1 MR. SINANI: We don't have that at this point.

2 MR. ACOSTA: Okay.

3 CHAIRPERSON HILL: Does Commissioner May?

4 MEMBER MAY: I do not have any comments or  
5 questions.

6 CHAIRPERSON HILL: Ms. John?

7 MEMBER JOHN: I don't know if there's an  
8 affidavit of maintenance in the file, was the only  
9 question I have. You might want to ask the Applicant.

10 CHAIRPERSON HILL: This year, I thought I ---

11 MEMBER JOHN: It's an affidavit of posting.

12 CHAIRPERSON HILL: Right. So you don't have an  
13 affidavit of maintenance. Is that correct, Mr. Sinani?

14 MR. SINANI: No, I don't. I did study the  
15 posting, but I didn't know that I need that thing.

16 CHAIRPERSON HILL: How long ago did you post  
17 that, Mr. Sinani?

18 MR. SINANI: I did post, you're talking about  
19 the hearing notice, right?

20 CHAIRPERSON HILL: Yes, the orange ---

21 MR. SINANI: Yes. Well, I did it on the 18th -  
22 - really, last month.

23 CHAIRPERSON HILL: Okay. And it's been there  
24 the whole time?

25 MR. SINANI: It's still there, yes. I check

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1 all the time, because we work in DC consulate. And I have  
2 another sign if it goes bad, so I will take it down. But  
3 I would put another one.

4 CHAIRPERSON HILL: Okay. I'm comfortable,  
5 then, with that explanation and waiving the need for the  
6 affidavit of maintenance, unless my fellow Board members  
7 have any issues with that. And I don't see anyone nodding  
8 their head yes. So we'll waive that requirement.

9 Ms. John, anything else?

10 MEMBER JOHN: Yes. And can the Applicant  
11 confirm that the current design is the same design that  
12 the HPRB approved?

13 MR. SINANI: Yes, we're not going to change  
14 anything. Everything was in the plan, that's how it's  
15 going to be.

16 MEMBER JOHN: Thank you.

17 MR. SINANI: Thank you.

18 CHAIRPERSON HILL: Okay. I'm going to turn to  
19 the Office of Planning.

20 MS. THOMAS: Yes, good morning, Mr. Chair,  
21 members of the Board, Karen Thomas with the Office of  
22 Planning. The Office of Planning is in support of this  
23 application and recommends that the Board not disapprove  
24 the embassy's request to renovate its property as shown in  
25 the submitted plans.

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1 I recognize that those plans have been, it  
2 seems that they're dated. However, I did confer with the  
3 Historic Preservation Board that those are the plans that  
4 they had approved. And our report from HPRB is attached  
5 to our main report. And with that I'll stand on the  
6 record and be happy to take any questions. Thank you.

7 CHAIRPERSON HILL: Okay. All right, does  
8 anybody have any questions for the Office of Planning?  
9 No? Does the Applicant have any questions for the Office  
10 of Planning?

11 MR. SINANI: No, thank you.

12 CHAIRPERSON HILL: Mr. Bassett, I forget. In  
13 these cases, or Mr. Moy, do we have, we don't take public  
14 testimony. Do we take public testimony? I thought we  
15 did, right?

16 MR. MOY: You have in the past. People can  
17 offer to speak, the three minutes that ---

18 CHAIRPERSON HILL: We don't do parties, that  
19 would be ---

20 MR. MOY: There's no parties, correct.

21 CHAIRPERSON HILL: Right, okay. Mr. Young, do  
22 we have anybody signed up to speak to this?

23 MR. YOUNG: No, we don't.

24 CHAIRPERSON HILL: Okay. So, Mr. Bassett, over  
25 there at OAG, since there's nobody here, there's no

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1 parties, are we able to do bench decision on this?

2 MR. BASSETT: Are you asking whether you can  
3 approve it or do you have to wait for the ANC to weigh in  
4 on this?

5 CHAIRPERSON HILL: No. Since there are no  
6 parties, I'm asking whether we can vote today.

7 MR. BASSETT: Let me check. You're asking  
8 whether, based on the virtual rules, you can have a  
9 decision without waiting one week?

10 CHAIRPERSON HILL: For FMBZA, I don't know why,  
11 I just think FMBZA might be a little bit different. And  
12 we have to get Mr. Acosta back here at the same time as  
13 Mr. May. Or, I guess, they can vote absentee, but then I  
14 wouldn't have a quorum.

15 MR. BASSETT: I don't see anything in the  
16 virtual emergency rules that says that FMBZA is not, that  
17 they don't apply to FMBZA. So I think that you would have  
18 to wait, since there are no parties.

19 CHAIRPERSON HILL: Okay. We can start our  
20 deliberation though, right?

21 MR. BASSETT: Give me a second just to make  
22 sure.

23 CHAIRPERSON HILL: I mean, what happened,  
24 Commissioner May, the last time, we've had to discuss -- We  
25 could go ahead and do our deliberations now, you can do

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1 your deliberation, I suppose. And still, Mr. Moy is going  
2 to need somebody, right. Like, either Mr. Acosta or  
3 Commissioner May is going to have to come back next week.  
4 And so we can go ahead and deliberate, or I can hear what  
5 you guys have to offer. And then whoever has to come  
6 back, has to come back, I guess, in order to vote.

7           But in the past, and I'm just saying,  
8 Commissioner May, what happened was we tried to deliberate.  
9 And then what ended up happening was it didn't save us any  
10 time or necessarily, it wasn't necessarily helpful. We  
11 basically had to repeat the same stuff the last time, and  
12 so just to have it kind of fresh in your mind as to what  
13 you were doing. But then there's two schools of thought  
14 for that. However, nonetheless, we'll go ahead and see  
15 what happens here.

16           Mr. Sinani, do you have anything to add at the  
17 end?

18           MR. SINANI: No. No, thank you. If it's  
19 anything needed from me, I'd be happy to --

20           CHAIRPERSON HILL: Okay. Unless the Board  
21 needs anything else, I'm going to go ahead and close the  
22 record. I'm going to close the record, I'm going to close  
23 the hearing.

24           MR. MOY: Mr. Chair?

25           CHAIRPERSON HILL: Yes, Mr. Moy?

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1 MR. MOY: Sorry to interrupt. I'm having a  
2 little bit of a groundhog's day. Did I call the case?

3 CHAIRPERSON HILL: I believe so.

4 MR. MOY: Okay. I just want to be sure I had  
5 called the case.

6 CHAIRPERSON HILL: But maybe not. You can call  
7 it again. I can't speak against.

8 MR. MOY: Yes, just out of an abundance of  
9 caution.

10 CHAIRPERSON HILL: Sure. Go ahead.

11 MR. MOY: I apologize. So this is on the tail  
12 end of the hearing on this case and your deliberations,  
13 somewhat. This is Case Application Number 20254 of the  
14 Government of the Republic of Zambia, caption advertised  
15 as to permit the renovation of the chancery building in  
16 the R-1-B Zone at premises 2419 Massachusetts Avenue, NW,  
17 Square 2506, Lot 22.

18 Thank you, Mr. Chairman.

19 CHAIRPERSON HILL: Thank you, Mr. Moy. Let's  
20 see, and where were we again? Okay, Mr. May, you were  
21 interested in starting deliberations.

22 MEMBER MAY: Yes. Am I on? I am on --

23 CHAIRPERSON HILL: Yes, you are.

24 MEMBER MAY: So yes, I'm very interested in  
25 starting the deliberations. This does seem like a pretty

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1 straight forward case. All of the boxes have been  
2 checked.

3 I think the one thing that is a little bit of a  
4 concern is the fact that we've not heard anything from the  
5 ANC. And I appreciate Mr. Sinani's testimony. However,  
6 it's not the same as hearing something directly from the  
7 ANC. And I almost feel like I just want to check in with  
8 them to make sure that there are no concerns from their  
9 perspective.

10 But, you know, from my perspective, that could  
11 be as simple as somebody on BZA staff contacting the ANC  
12 to see whether, in fact, they were aware of it and had any  
13 concerns, just to confirm. Otherwise, I don't see any  
14 problems with the case. And I would be prepared to vote  
15 in favor of it, assuming there are no issues with ANC.

16 For what it's worth, given that I have a number  
17 of cases on the agenda today, I'm expecting that I'll  
18 probably have to make some sort of appearance next week,  
19 or it's possible, if not likely. So I can be here for  
20 quorum purposes if Mr. Acosta wants to put in an absentee  
21 ballot.

22 CHAIRPERSON HILL: Okay. Mr. Moy, if you could  
23 ask staff to reach out to the ANC and try to see whether  
24 we can get something from them.

25 MR. MOY: Yes, sir, with pleasure.

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1 CHAIRPERSON HILL: Okay. Mr. Acosta, do you  
2 have anything you'd like to add?

3 MR. ACOSTA: Thank you, Mr. Chairman. Yes, I  
4 would agree with Mr. May's points. I would like to hear  
5 from the ANC prior to our official vote on this. But I  
6 think, from a technical standpoint, this project checks  
7 all the boxes. And if so, I would vote to not disapprove  
8 this project when the time comes. But I think, in  
9 abundance of caution, we should seek the ANC's position on  
10 this, if possible, prior to our next meeting. Also, I'll  
11 be around next week in case we need to reconvene for the  
12 hearing.

13 CHAIRPERSON HILL: Nobody's flying anywhere,  
14 nobody's going anywhere --

15 MR. ACOSTA: No, we're all stuck here.

16 CHAIRPERSON HILL: All here. Oh, that's  
17 interesting.

18 Okay, Ms. John, do you have anything you'd like  
19 to add at this point?

20 MEMBER JOHN: No, I don't have anything to add.  
21 I agree that we should check in with the ANC and that this  
22 application is fairly straightforward. And just a note  
23 that there's an updated letter from the State Department  
24 clarifying their support of the application.

25 CHAIRPERSON HILL: Okay, great. All right,

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1 wonderful. Well then in that case, again, I will close  
2 the hearing, however leave it open for some kind of  
3 information from the ANC, Mr. Moy.

4 MR. MOY: Yes, sir.

5 CHAIRPERSON HILL: And other than that, I guess  
6 then we'll put it on for decision next week in terms of,  
7 hopefully, we get something from the ANC. Otherwise, I  
8 guess, we'll wait to hear and get something from them.  
9 And then we'll figure out who's going to join us for the  
10 decision for next week.

11 So I thank you all very much. Mr. Acosta, you  
12 take care. Commissioner May, you take care.

13 MEMBER MAY: You don't need me for the rest of  
14 the day?

15 CHAIRPERSON HILL: Commissioner May, I don't  
16 know. I have to leave. So if you want to take over for  
17 me, you're welcome to. I'm sure you will not have any  
18 problems with Mr. Hart.

19 MEMBER MAY: All right. So it's Mr. Hart, and  
20 Ms. John, and I continuing for the day. I hope you have a  
21 good --

22 CHAIRPERSON HILL: Thank you. I'm going to  
23 wait for Mr. Hart to get back in here.

24 MEMBER MAY: Okay.

25 CHAIRPERSON HILL: And also, I don't know if

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1 you guys want to break now or ---

2 MEMBER JOHN: Mr. Chairman, maybe a two minute  
3 break?

4 CHAIRPERSON HILL: Okay. Mr. Hart, is that  
5 okay, sir? You're back. All right. Well, in that case,  
6 I will excuse myself. So thank you all very much. I  
7 appreciate it. See you next week.

8 MEMBER MAY: Thanks.

9 VICE CHAIRPERSON HART: And I guess we will  
10 take a two-minute break. Looks like Board Member John is  
11 already gone. So we'll be back in, like, 10:45.

12 (Whereupon, the above-entitled matter went off  
13 the record at 10:41 a.m. and resumed at 10:46 a.m.)

14 VICE CHAIRPERSON HART: All right, it looks  
15 like we're all back. So I guess I need to start reading  
16 this, eh? Yes. Okay, so it does -- look like we have a  
17 quorum, so I will start.

18 The hearing will please come to order. Good  
19 morning, ladies and gentlemen. We are convening and  
20 broadcasting this public hearing by video conferencing.  
21 This is the July 8th, 2020, public hearing of the Board of  
22 Zoning Adjustment of the District of Columbia. My name is  
23 Carlton Hart, Vice Chairperson. Joining me today is Lorna  
24 John, Board member, and representing the Zoning Commission  
25 is Peter May.

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1 Today's hearing agenda is available to you on  
2 the Office of Zoning's website. Please be advised that  
3 this proceeding is being recorded by a court reporter, and  
4 is also webcast live via Webex and YouTube live. The  
5 video will be available on the Office of Zoning's website  
6 after the hearing session. Accordingly, everyone who is  
7 listening on Webex or by telephone will be muted during  
8 the hearing, and only persons who have signed up to  
9 participate or testify will be unmuted at the appropriate  
10 time.

11 Please state your name and home address before  
12 providing oral testimony or your presentation. Oral  
13 presentations should be limited to a summary of your most  
14 important points. When you are finished speaking, please  
15 mute you audio so your microphone is no longer picking up  
16 sound or background noise.

17 If you experience difficulty accessing Webex or  
18 your telephone call in, or if you have forgotten to sign  
19 up 24 hours prior to this hearing, please call our Office  
20 of Zoning hotline number at 202-727-5471 to sign up to  
21 testify and to receive Webex login or call-in instruction.  
22 And I'll repeat that. Our Office of Zoning hotline number  
23 is 202-727-5471.

24 So all persons planning to testify either in  
25 favor or in opposition must sign up in advance and will be

1 called by name. At the time of signup, all participants  
2 complete the oath or, excuse me, the oath or affirmation  
3 as required by Subtitle Y-408.7.

4           If you wish to file written testimony or  
5 additional supporting documents at the time of the  
6 hearing, then please be prepared to describe and discuss  
7 it at the time of your testimony. The Order of Procedure  
8 for special exceptions and variances can be found in  
9 Subtitle Y-409 of the Zoning Regulations. And the Order  
10 of Procedures for appeal applications can also be found at  
11 Subtitle Y-507 of the same Zoning Regulations.

12           Pursuant to Subtitle Y, Sections 408.2 and  
13 408.3, the following time constraints shall be maintained.  
14 The Applicant, Appellant, and all parties in support,  
15 except the affected ANC, including witnesses, exclusive of  
16 cross examination, have a maximum of 60 minutes  
17 collectively.

18           The Appellee persons and parties, except the  
19 affected ANC in opposition, including witnesses,  
20 collectively have the amount of time equal to that of the  
21 Appellant, excuse me, of the Applicant, and parties in  
22 support but in no case more than 60 minutes collectively.

23           Individuals who are testifying have a maximum  
24 of 30, excuse me, have a maximum of three minutes.  
25 Organization representatives have a maximum of five

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1 minutes. These time constraints do not include cross  
2 examination and/or questions from the Board.

3           Cross examination of witnesses by the Applicant  
4 or parties, including the ANC, is permitted. The ANC  
5 within which the property is located is automatically a  
6 party in a special exception or variance case. Nothing  
7 prohibits the Board from placing reasonable restrictions  
8 on cross examination, including time limits and  
9 limitations on the scope of cross examination pursuant to  
10 Subtitle Y-408.5.

11           At the conclusion of each case, an individual  
12 who was unable to testify because of technical issues may  
13 file a request for leave to file a written version of the  
14 planned testimony to the record within 24 hours. If  
15 additional written testimony is accepted, then parties  
16 will be allowed a reasonable time to respond.

17           The Board will then make its decision at its  
18 next meeting but no earlier than 48 hours after the  
19 hearing. Moreover the board may request additional  
20 specific information to complete the record. The Board  
21 and the staff will specify at the end of the hearing  
22 exactly what is expected and the date when persons must  
23 submit the evidence to the Office of Zoning. No other  
24 information shall be accepted by the Board.

25           The Board's agenda may include previous cases

1 set for decision. After the board adjourns the hearing,  
2 the Office of Zoning, in consultation with me, will  
3 determine whether a full or summary order may issue. A  
4 full order is required when the decision it contains is  
5 adverse to a party including an affected ANC.

6 A full order may be needed if the Board's  
7 decision differs from the Office of Planning's  
8 recommendation. Although the Board favors the use of  
9 summary orders whenever possible, an applicant may not  
10 request the Board to issue such an order.

11 The District of Columbia Administrative  
12 Procedure Act requires that the public hearing on each  
13 case be held in the open before the public. However,  
14 pursuant to Subtitle 405(b) and 406 of that act, the Board  
15 may, consistent with its rules of procedure and the act,  
16 enter into a closed meeting on a case for purposes of  
17 seeking legal counsel on a case pursuant to D.C. Official  
18 Code 2-575(b)(4) and/or deliberating on a case pursuant to  
19 D.C. Official Code 2-565(b)(13), but only after providing  
20 the necessary public notice and, in the case of an  
21 emergency closed meeting, after taking a roll call vote.

22 Preliminary matters are those which relate to  
23 whether a case will or should be heard today, such as a  
24 request for postponement, continuance, or withdrawal, or  
25 whether proper and adequate notice of the hearing has been

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1 given. If you are not prepared to go forward with a case  
2 today, or if you believe that the Board should not  
3 proceed, now is the time to raise such a matter.

4 Mr. Secretary, do we have any preliminary  
5 matters?

6 And your mic is not on.

7 MR. MOY: Thank you, sir. Well, that's strike  
8 number two.

9 VICE CHAIRPERSON HART: Okay.

10 MR. MOY: So at this time, I do not have any  
11 preliminary matters for the Board.

12 VICE CHAIRPERSON HART: Okay. Then let us  
13 proceed with our first hearing case. And actually, before  
14 we start with that, I know that we had, there was a  
15 decision case, and I didn't know, and you're putting that  
16 at the end of the hearing?

17 MR. MOY: Yes.

18 VICE CHAIRPERSON HART: It's not a decision,  
19 it's a preliminary matter. It's a motion that we're ---

20 MEMBER JOHN: A motion for advanced party  
21 status.

22 VICE CHAIRPERSON HART: Thank you. Do you all  
23 want to, and I'm asking the Board members, do you want to  
24 do that now, or do you want to wait for the, or does it  
25 matter?

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1 MEMBER JOHN: I'm fine either way. You can do  
2 it now.

3 MEMBER MAY: I'm happy to take it up now. It  
4 should be quick.

5 VICE CHAIRPERSON HART: Yes. I mean, I think  
6 it should be. And we might as well get it over with. And  
7 if there's somebody listening for it, they can, you know,  
8 start preparing after this. They don't have to wait for  
9 the entire meeting. So I think that's Case Number 20238,  
10 Mr. Moy?

11 MR. MOY: Yes, sir. So that SS, the Vice Chair  
12 stated there is a request for advanced party status. That  
13 actually was filed by a Mr. Brian Wise. And this is to  
14 Case Application Number 20238 of James Silk which is  
15 scheduled for the Board's public hearing on July 15th. So  
16 other than that, I'll just try and read the caption very  
17 quickly, Mr. Vice Chair.

18 VICE CHAIRPERSON HART: Thank you.

19 MR. MOY: As amended, for special exception  
20 under Subtitle G, Section 1200, on the side yard  
21 requirements at Subtitle G, Section 1104.1, from the alley  
22 center line setback requirements in Subtitle G, Section  
23 1105.1, and pursuant to 11 DCMR, Subtitle F, Chapter 10,  
24 for area variance from the minimum alley width  
25 requirements of Subtitle C, Section 303.3(a) to construct

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1 a second-story addition to an existing semi-attached  
2 principal dwelling unit in the MU-26 Zone at premises 0203  
3 Rear 3rd Street, SE, Square 0762, Lot 0823. And again,  
4 this is a filing by Brian Berry for advanced party status.

5 VICE CHAIRPERSON HART: So is the Board ready  
6 to deliberate on this?

7 MEMBER JOHN: Yes.

8 MEMBER MAY: Yes.

9 VICE CHAIRPERSON HART: Okay. I can start.  
10 After reviewing the request, I guess the motion, I didn't  
11 have a particular issue with it. I think that they meet  
12 the requirements and would grant them the party status. I  
13 didn't know if you all had any thoughts on this as well.

14 MEMBER JOHN: I think that the Applicant has to  
15 be here. Is that correct --

16 MEMBER MAY: The person requesting party status  
17 should be present.

18 MEMBER JOHN: -- should be present.

19 MEMBER MAY: Oh, yes.

20 MEMBER JOHN: So can we verify that ---

21 MEMBER MAY: We confirm that Mr. Wise is  
22 present.

23 VICE CHAIRPERSON HART: Yes. If we could, and  
24 I don't know if they're there, Paul.

25 MR. YOUNG: What was the name again?

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1 VICE CHAIRPERSON HART: Last name is W-I-S-E.

2 MR. YOUNG: And the first name?

3 VICE CHAIRPERSON HART: Brian.

4 MR. YOUNG: I don't see him on here unless they  
5 called in. But I don't have a phone number for him.

6 VICE CHAIRPERSON HART: Wait a second, let me  
7 see if I can find one. I don't see one on there, on our  
8 list. I don't see anybody, if they're listening, I don't  
9 see them, you know, raising their hand or anything.

10 MR. YOUNG: I don't either.

11 MR. MOY: Can I make a suggestion?

12 VICE CHAIRPERSON HART: I was going to say that  
13 maybe if we could reach out to them --

14 MR. MOY: Yes.

15 VICE CHAIRPERSON HART: -- Mr. Moy. And then  
16 we can come back to this. You know, I thought we might be  
17 able to do it quickly, but thank you all, fellow Board  
18 members, for remembering that. We'll just come back to  
19 it, Mr. Moy. So I guess we can now, we'll, I guess, just  
20 table that for the moment and then come back to it,  
21 probably at the end of the hearing as we were going to do  
22 initially.

23 So if we can start with the first case, which  
24 is 2016, excuse me, 20186.

25 MR. MOY: Yes, thank you, Mr. Vice-Chair. So

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1 before the Board in its public hearing session is Case  
2 Application Number 20186 of Elisabeth Hando as amended for  
3 special exceptions under the R use group requirements,  
4 Subtitle U, Section 203.1(h), under Subtitle D, Section  
5 201 from the side-yard requirement, Subtitle D, Section  
6 206.2, and under Subtitle C, Section 703.2 from the  
7 minimum parking requirements of Subtitle C, Section 701.5,  
8 to convert an existing expanded child development home to  
9 a new child development center with 20 children, and to  
10 construct a three-story rear addition and a third story  
11 addition to the existing attached dwelling, in the R-1-B  
12 side, at premises 240 Quackenbos, that's Q-U-A-C-K-E-N-B-  
13 O-S, Street, NE, Square 3719, Lot 24.

14           There are a number of witnesses signed up to  
15 testify, Mr. Vice Chair.

16           VICE CHAIRPERSON HART: Yes, and I appreciate  
17 that, Mr. Moy. So we have, it looks like we have one of  
18 the, okay, one of the folks that's, one of the  
19 representatives, Mr. Michael Davis, on the phone, excuse  
20 me, in the hearing, and Commissioner Alison Brooks as well.  
21 Let me think who else. And, okay, then there's also a  
22 representative of the Applicant, Mr. Dorsey.

23           So if we could, if I could have the Applicant's  
24 representative, Mr. Dorsey, and Mr. Davis, if you could, I  
25 want to make sure that you're near the, audio is working

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1 and video is working, if you want to do the video.

2           So, Mr. Dorsey, it would be helpful if you  
3 could share which one of you are going to be ---

4           MR. DAVIS: Yes. I think Mr. Dorsey is going  
5 to go first.

6           VICE CHAIRPERSON HART: Okay, thank you, Mr.  
7 Davis.

8           Mr. Dorsey, if you could introduce yourself,  
9 please?

10          MR. DORSEY: Hello?

11          VICE CHAIRPERSON HART: Yes, I can hear you.  
12 Now you actually just muted yourself. There you go.

13          MR. DORSEY: My name is Thomas Dorsey. I'm  
14 with MWBArchitects. We provided the plans for her to  
15 expand her home based on the allowable lot occupancy. And  
16 she told us that she wanted to convert it into a child  
17 care to serve 20 children. So we presented several  
18 designs.

19          VICE CHAIRPERSON HART: Hold on before you  
20 start, I wanted to just kind of make sure we had everyone  
21 else introduced. I just wanted to get an introduction.

22          MR. DORSEY: Okay.

23          VICE CHAIRPERSON HART: And so the  
24 representatives for the owner are you, Mr. Dorsey, and Mr.  
25 Michael Davis. If you could just introduce yourself.

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1 MR. DAVIS: Well, this is Mr. Michael Davis.  
2 I'm with the owner here at her offices. Elizabeth,  
3 introduce yourself.

4 MS. HANDO: My name is Elisabeth Hando. I am  
5 the Applicant.

6 VICE CHAIRPERSON HART: Okay. And you're not  
7 showing your video on purpose, correct?

8 MS. HANDO: We show it. I don't know what  
9 happened.

10 MR. DAVIS: She's having Internet issues, so  
11 we're using ---

12 VICE CHAIRPERSON HART: Okay. No, no, that's  
13 okay. I just wanted to make sure that you were aware of  
14 that.

15 MR. DAVIS: Okay, there you are. I think I've  
16 got the video. Is that now, I'll start my video.

17 VICE CHAIRPERSON HART: Not yet.

18 MR. DAVIS: Is that better?

19 VICE CHAIRPERSON HART: Yes, if you kind of  
20 hover over your ---

21 MR. DAVIS: Introduce yourself again.

22 MS. HANDO: Oh, my name is Elisabeth Hando, I  
23 am Applicant. And I'm requesting a special exemption for  
24 expanding child care.

25 VICE CHAIRPERSON HART: Okay, thank you.

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1 Welcome. Commissioner Alison Brooks, and we cannot hear  
2 you. I think you're muted. Just an introduction is what  
3 we're looking for. I still can't, there you go.

4 Commissioner Brooks? Does anyone else hear her?

5 MS. BROOKS: Are we there? Can you hear me  
6 now?

7 VICE CHAIRPERSON HART: Yes, I can hear you,  
8 yes.

9 MS. BROOKS: All right, sorry about that. My  
10 name is Alison Brooks. I'm the Commissioner for 4B08. And  
11 I'm here to represent the Community on this issue.

12 VICE CHAIRPERSON HART: Thank you. And there  
13 seems to be a little bit of, oh, I think it may be some  
14 other things in your background, Commissioner Brooks, that  
15 we were hearing. So, yes, and it looks like we have the  
16 owner. Ms. Hando, we can now see your image. So that's  
17 much appreciated.

18 So we can go to Mr. Dorsey. You were going to  
19 make your presentation? I still can't hear you. There we  
20 go, it's unmuted now.

21 MR. DORSEY: So we were contacted by Ms.  
22 Elisabeth Hando to expand her home based on the allowable  
23 lot occupancy and for the purpose of a 20-children. We  
24 submitted those designs to --

25 (Simultaneous speaking.)

1           VICE CHAIRPERSON HART: And there was a  
2 question that, in our discussions with our Office of  
3 Attorney General, they were giving some us some legal  
4 advice on this case. One of the questions that rose out  
5 of that was how you were --- one of the aspects of the  
6 relief that you're requesting, in this case it's 5201.2  
7 which has to do with whether or not this is a dwelling  
8 unit, where the dwelling unit is that enables you to  
9 expand this building.

10           And under that provision, the requirements are  
11 that you are expanding an existing dwelling unit. And  
12 that part of the information isn't something that we have  
13 in the record currently. And I understand that you all  
14 have a referral from the Zoning Administrator, or several  
15 referrals that have been updated. But this particular  
16 aspect is something that we need to really have some  
17 clarity around. And I wanted to kind of find out from you  
18 whether or not anyone was residing at this site, at this  
19 building.

20           MR. DORSEY: I don't believe so. That would  
21 be, the owner did not express that to us, so we were under  
22 the impression that the building would be used as a day  
23 care center only.

24           VICE CHAIRPERSON HART: So it would be  
25 exclusively as a day care. There would be no residential

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1 aspect of this for someone, you know, an apartment or  
2 something for someone to stay in.

3 MR. DORSEY: Yes, it would be designed for day  
4 care use only.

5 VICE CHAIRPERSON HART: Okay.

6 MR. DORSEY: It is a mixed use now, home and  
7 day care center. But the new design calls for it to be a  
8 day care center only.

9 VICE CHAIRPERSON HART: And so the existing use  
10 is of a, there is a dwelling?

11 MR. DORSEY: Yes. There is an existing  
12 dwelling use with the maximum allowable children there  
13 that she can have right now, what is going on in the  
14 world.

15 VICE CHAIRPERSON HART: And how many children  
16 are there currently?

17 MR. DORSEY: I think she has 12, I think. So  
18 she's using it to -- expand.

19 VICE CHAIRPERSON HART: Thank you very much,  
20 Mr. Dorsey.

21 This is a question for Ms. Nagelhout from OAG.  
22 With regard to this particular issue for 5201.2, since  
23 that is not being requested at this time, we should go  
24 through the other relief and then come back to that at  
25 some point after they have requested it.

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1 MS. NAGELHOUT: Yes. I'm having some trouble  
2 hearing. I didn't understand that they were not asking  
3 for 5201 now. If they're not, that's fine. You can deal  
4 with what they are asking for, the child development  
5 center and, I think, parking also.

6 VICE CHAIRPERSON HART: Well, they would need  
7 a, because there isn't a, this is not a dwelling unit  
8 that's here, that will be in the, I guess, the future.  
9 That was the, I think 5201.2 is the part that we're having  
10 some difficulty with.

11 MS. NAGELHOUT: Yes. You have pending before  
12 you how an application for side yard relief under 5201.  
13 Is that right?

14 VICE CHAIRPERSON HART: Yes.

15 MS. NAGELHOUT: So the choices are that can be  
16 withdrawn, and they can come back later to ask the right  
17 relief. In which case, you would not be approving the  
18 plans in this case. You could still go ahead with the  
19 special exception for the child development center, or the  
20 5201 not withdrawn, I think you have to deliberate on it  
21 knowing that it's not a residential dwelling, a  
22 residential building.

23 VICE CHAIRPERSON HART: Okay. If we could  
24 hear, Board Member John, we can't hear you.

25 MEMBER JOHN: So can we confirm with the

1 Applicant whether this is, in fact, a residential building  
2 and that the owner or someone who resides in the building  
3 as a preliminary matter, since 5201 is based on conversion  
4 of a residential building?

5 VICE CHAIRPERSON HART: Yes. And that's part  
6 of the issue that I was raising. And the Applicant, the  
7 representative, Mr. Dorsey, has noted that it is existing  
8 as a residential, there is a residential unit. But when  
9 they are making this expansion, it will only be a child  
10 care development center. There will be no residential, a  
11 residential dwelling unit that's in here. It looks like  
12 our Office of Planning representative, Ms. Brown-Roberts,  
13 you've joined us. You'd like to weigh in on this as well?  
14 Thank you.

15 MS. BROWN-ROBERTS: Good morning, Mr. Chairman,  
16 and members of the BZA. I am Maxine Brown-Roberts from  
17 the Office of Planning on this case.

18 The Applicant has requested the 5201 because  
19 there is the side yard issue. Now, the side yard, with  
20 the addition that they're doing, they do meet the side  
21 yard requirement except that they're doing an ADA ramp at  
22 the rear. And that extends over into the side yard.

23 We were told by DCRA, the Office of Planning,  
24 and the Applicant was told that they needed to have the  
25 ADA ramp covered. In that case, it would have to be

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1 included in the side yard and lot occupancy.

2           However, on further investigations, because we  
3 were saying that we have never seen a ramp that has to be  
4 covered, and the design that the Applicant had proposed  
5 was not going to be covered, and the railings were three  
6 feet above grade. And so the Applicant got back to DCRA  
7 and they were, I think, verbally told that that's not  
8 correct.

9           And so therefore the side yard request will go  
10 away. If the side yard request goes away, the addition is  
11 in compliance with the regulations. And therefore, 5201  
12 would not be applicable.

13           VICE CHAIRPERSON HART: I understand. Well,  
14 let's go forward with the other relief. And it sounds  
15 like the 5201 may not be something that, well, it may not  
16 be something that we're actually discussing today. But if  
17 the Applicant, Mr. Dorsey, if you could go forward with  
18 your presentation on the other aspects, how you're meeting  
19 the zoning regulations. And we can't hear you right now.

20           And, Mr. Young, if you could put on, well,  
21 you've got, let's say 10 minutes. I don't know how long  
22 we need for this.

23           But, no, we still can't hear you. Just tap it  
24 once, and then you're, no, you're muting and unmuting it.  
25 That, right there is fine.

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1 MR. DORSEY: All right. So we are providing an  
2 additional story to the existing, by a design. And we're  
3 setting the unit back 22 feet. So the additions that we  
4 propose are compliant with the current building codes. We  
5 also, that provides a lot occupancy of, give me one  
6 second, so I do have many documents that I can share. If  
7 I can share my screen, I can share the PDF if you'd like  
8 to see it.

9 VICE CHAIRPERSON HART: I don't know if you can  
10 actually do that. I think Mr. Young would have to do  
11 that. It was one of the exhibits that you submitted?

12 MR. DORSEY: Yes, it's a part of the exhibit.

13 VICE CHAIRPERSON HART: Do you know which  
14 exhibit that you'd like to show?

15 MR. DORSEY: Okay, so I don't have the exhibit  
16 number. But I can explain. So what we have, we have a  
17 lot occupancy, an allowable lot occupancy of 40 percent.  
18 The addition we propose will equal 38.2 percent. That is  
19 with a 21-foot addition across that extended back 21 feet,  
20 then extends with the change 24 feet of the building.

21 The ramp that we proposed will be on the rear  
22 to provide ADA access. We have taken it into account as  
23 being a part of the lot occupancy. But we have to find  
24 out that it doesn't apply. So without the ramp, we would  
25 be around 32 percent lot occupancy.

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1           So we fall with what we call, what is allowable  
2 by the building codes. Our plans are to keep the front  
3 current with the same architecture elements (audio  
4 interference) when you step back on the front and then  
5 when you repeat the zoning that's required for most  
6 structures to keep the existing architecture elements. So  
7 there's the part of our design.

8           VICE CHAIRPERSON HART: Mr. Dorsey, if you  
9 could actually focus on what the relief that you're  
10 requesting which is parking relief and the relief for  
11 zoning to allow special exception to allow the child  
12 development center. If you could kind of focus on those  
13 two, we understand that there are various aspects that you  
14 are in compliance with, but we're trying to focus on the  
15 things that you need relief from.

16           MR. DORSEY: Okay, the relief that's ---

17           MEMBER JOHN: Mr. Vice Chair --

18           VICE CHAIRPERSON HART: Yes?

19           MEMBER JOHN: -- may I ask a question of OAG?  
20 And so my question is can we even hear the application for  
21 the child development home if there is no 5201  
22 application? In other words, the child development home  
23 is allowed in the principal residence of the caregiver.  
24 So if there's no residence, can we even hear the  
25 application?

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1 MS. NAGELHOUT: Yes. Because previously it was  
2 a child development home for a certain number of kids.  
3 And what they're proposing to do now is a child  
4 development center for up to 20 kids. There's no  
5 requirement that you live in a child development center.  
6 So that's what they're proposing now, a child development  
7 center operation with up to 20 kids.

8 MEMBER JOHN: Okay, thank you.

9 VICE CHAIRPERSON HART: And from what I also  
10 understand on this from OAG, the 5201 issue is tied in  
11 with the side yard relief. The, if the side yard relief  
12 is not necessary then we are not having to deal with the,  
13 whether or not this is a principle dwelling unit,  
14 expanding a principle dwelling unit or not.

15 MS. NAGELHOUT: That's correct.

16 VICE CHAIRPERSON HART: So, if you're just  
17 looking at the other relief, then that's not one aspect of  
18 it. So, it, that becomes, that point becomes somewhat  
19 moot.

20 MS. NAGELHOUT: Completely moot, yes.

21 VICE CHAIRPERSON HART: Yes.

22 MS. NAGELHOUT: It's, you're looking at parking  
23 relief and the special exception for a use under your  
24 subtitle U, I think it's 203.1H, or something.

25 VICE CHAIRPERSON HART: Yes. I'm sorry, Mr.

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1 Dorsey, you've muted. Yes, there you go.

2 MR. DORSEY: We have worked with the owner on  
3 the architecture of the (audio interference) element. So,  
4 we have not worked with her on the drop off issue. And  
5 that was (audio interference).

6 VICE CHAIRPERSON HART: And so, you're saying  
7 that -- Did I lose, did we lose the --

8 MR. DORSEY: Can you hear me?

9 VICE CHAIRPERSON HART: Yes, I can hear you.  
10 Did we lose Mr. Davis?

11 MR. DORSEY: Mr. Davis had worked with her on  
12 the other issues.

13 VICE CHAIRPERSON HART: Yes. But he's not on  
14 our, in our list anymore. So, I'm trying to figure out  
15 where he went.

16 MR. DORSEY: I'm hoping what happened to me  
17 didn't happen to him. And let me explain. While you were  
18 on another call I had to reboot my computer.

19 VICE CHAIRPERSON HART: So, he's back now.

20 MR. DORSEY: So, he's the one who's working  
21 with her on (audio interference).

22 VICE CHAIRPERSON HART: Understood. Thank you.  
23 Mr. Davis, can you hear me? If you are, you need to  
24 unmute, because, there you go.

25 (Off the record comments)

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1 VICE CHAIRPERSON HART: And can we stop the  
2 clock, please. Mr. Davis, can you hear me?

3 MR. DORSEY: Yes. We can hear you now.

4 (Off the record comments)

5 MR. DAVIS: Yes. Here we are again.

6 VICE CHAIRPERSON HART: Okay. So, Mr. Davis,  
7 the question that I had was really around how you're  
8 meeting the requirements for parking, which is, you're  
9 asking relief from that. And just the special exception  
10 requirements for, to have a child development center at  
11 this location.

12 MR. DAVIS: Well, first of all with the  
13 parking. We're not expecting clients all to come and park  
14 although we expect them to drop off 20 participants. Most  
15 of the participants that's going to be working estimating  
16 between 55 to 60 or 75 percent of the participants will be  
17 coming from the neighborhood.

18 The bus and train system is located very close.  
19 But we'll have a drop off system and a pick up system.  
20 And we'll have folks meeting the cars, meeting the  
21 parents, accepting the kids and taking them in. We'll  
22 have a crossing guard.

23 We don't expect to increase the parking  
24 location. Most of the staff is a family business. Most  
25 of the staff will have their commute come in. So, we're

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1 not expecting to occupy a lot of parking. We don't expect  
2 to increase the amount of parking.

3 We're very close to a Walmart. So, the traffic  
4 that folks might think we may increase is not going to  
5 affect us generally. We're not going to affect the entire  
6 neighborhood. Ms. Hando, do you want to --

7 MS. HANDO: Yes. I, Ms. Hando. I really  
8 wanted to talk about the parking issue. Because even now  
9 that I'm providing services to nine kids we don't have any  
10 parking issue. Because most of the parents, sometime they  
11 come by the bus. Or they walk in from, through the, from  
12 the communities.

13 It's not a problem, a parking issue if we add  
14 another 11 kids in the program. We're not going to have  
15 parking issues. Because the system that we put in place,  
16 that having somebody, a staff outside who would welcome  
17 the kids and take them in.

18 So, and it will be only for 20 kids. So, I  
19 believe that I will manage that, and talk to the parents,  
20 put in the website during the orientation how the parent  
21 would deal with the parking.

22 And I will also do, in the first orientation I  
23 will talk about parking, and have it in the policy, the  
24 parent handbook. So, we'll make sure that we will not  
25 have traffic in the constant traffic in the neighborhood.

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1 So, for the parking that's what I can say.

2 MR. DAVIS: What is the next issue you wanted  
3 us to address?

4 VICE CHAIRPERSON HART: Well actually I'd like  
5 to kind of have a follow-up question on the parking.

6 MR. DAVIS: Okay.

7 VICE CHAIRPERSON HART: How many, you said  
8 there are, there's bus and train is close to this  
9 location?

10 MS. HANDO: Yes.

11 MR. DAVIS: Yes. Within seven to 17 minutes of  
12 three major train stations, Takoma, Fort Totten, and  
13 Brookland.

14 VICE CHAIRPERSON HART: By walking?

15 MR. DAVIS: Brookland station?

16 MS. HANDO: It's not far. It's not too far.  
17 Fort Totten --

18 MR. DAVIS: Fort Totten --

19 MS. HANDO: -- and to --

20 MR. DAVIS: -- Takoma, Brookland. There's also  
21 a major bus line coming up North Capitol up to New  
22 Hampshire Avenue. It's a --

23 (Off microphone comments)

24 MR. DAVIS: I don't need the bus numbers. But  
25 there's a major bus line comes up North Capitol onto New

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1 Hampshire Avenue. Also, there's a major bus that comes up  
2 Eastern Avenue to New Hampshire Avenue, Eastern Avenue  
3 from Takoma Park, a metro station down Eastern Avenue to  
4 New Hampshire Avenue.

5           There's also a major bus line running from the  
6 Brookland station up Eastern Avenue to New Hampshire  
7 Avenue, making a right and a left. So, it is very well  
8 serviced by public transportation.

9           VICE CHAIRPERSON HART: Okay. Thank you. The  
10 other aspect was just how you're meeting the special  
11 exception requirements for a child development center in,  
12 at this location.

13           MR. DAVIS: Mr. Dorsey was addressing most of  
14 those in the actual plans. Do you want to talk on that?  
15 Because I was, I've dealing with mostly the transportation  
16 issue. But Mr. Dorsey was addressing the (audio  
17 interference).

18           VICE CHAIRPERSON HART: Okay.

19           MR. DAVIS: Is Mr. Dorsey still with us.

20           VICE CHAIRPERSON HART: Yes.

21           MS. HANDO: And I will say something about it.  
22 So, and I provide, actually I provide a service to  
23 children, to nine kids in the community. And I am  
24 providing no charges, you know, in traditional service.  
25 So, now my program go up to 11:00 p.m.

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1           And we are trying to increase to 20 kids. And  
2 we are asking a special exception so that we can provide  
3 more services to kids in our community. Now in the  
4 District there's a lot of need of childcare. And the  
5 Mayor also mentioned that many times last year, since last  
6 year, that there's a lot of need of childcare in the  
7 District.

8           So, that's the reason we are planning to serve  
9 and support the parents that would need to go to work or  
10 school, so that we can take care of the kids. Because  
11 most of them, we get, we receive a phone call almost every  
12 day.

13           And the waiting list is always full. So, it's  
14 very important to serve our community, support our  
15 community, and provide more services to our kids.

16           VICE CHAIRPERSON HART: Okay. Do my fellow  
17 Board Members have questions for the applicant?

18           MEMBER JOHN: So, what are your hours of  
19 operation? I believe the applicant says from 7:00 a.m. to  
20 7:00 p.m. Is that accurate?

21           (Off the record comment)

22           MS. HANDO: Yes. Actually, we're --

23           VICE CHAIRPERSON HART: I think you --

24           (Audio interference)

25           VICE CHAIRPERSON HART: Mr. Davis, we're not,

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1 we're having trouble trying to hear you. Yes. We've lost  
2 audio all together. Mr. Davis, yes, we've lost audio all  
3 together. We cannot hear you at all.

4 MEMBER JOHN: Perhaps they can call on the  
5 phone?

6 VICE CHAIRPERSON HART: Yes. I don't know.

7 MS. HANDO: It's from 7:00 a.m. to 7:00 p.m.

8 (Audio interference)

9 (Simultaneous speaking)

10 MR. DAVIS: Could you call them on the phone?  
11 Call in on the phone.

12 VICE CHAIRPERSON HART: Well, we can hear you  
13 now. We can hear you now.

14 (Off the record comments)

15 VICE CHAIRPERSON HART: You can, well --

16 MR. DAVIS: Can you hear us now?

17 VICE CHAIRPERSON HART: I don't know if they  
18 can hear me.

19 MEMBER JOHN: Yes.

20 VICE CHAIRPERSON HART: We can hear you now.

21 MS. HANDO: So, I was saying that we provide  
22 services, we're going to be providing services to children  
23 from 7:00 a.m. to 7:00 p.m. Currently I'm providing  
24 services to children from 7:00 a.m. to 11:00 p.m.

25 (Audio interference)

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1 MS. HANDO: -- I'm not going to be doing 11:00  
2 p.m. I will do up to 7:00 p.m.

3 VICE CHAIRPERSON HART: Okay. Ms. John, it  
4 seems like it's 7:00 a.m. to 7:00 p.m.

5 MEMBER JOHN: Okay. All right.

6 MS. HANDO: Yes.

7 MEMBER JOHN: That was my only question. I  
8 think they addressed the property. Oh, the diagram shows  
9 that, the plans online show that the ramp will be on the  
10 side of the building. Is that accurate? Or was it moved  
11 to the rear? Do you know where the ramp will be?

12 VICE CHAIRPERSON HART: Could you repeat --

13 MEMBER JOHN: Will it be close to the Third  
14 Street side, or at another location?

15 MS. HANDO: The ramp going to be in the back.  
16 We submitted a new plan. And the ramp will be in the back  
17 of the building. We going to keep the building as it is  
18 in the front, and just, even the construction will remain  
19 the same with the brick. So, we are keeping the community  
20 as it is.

21 MEMBER JOHN: So, I guess the question might be  
22 for Mr. Dorsey, whether the plans that we have on file now  
23 show the correct location of the ramp.

24 MS. HANDO: Yes. It is not there. But I can  
25 answer because I'm familiar with the case. But it is

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1 going to be in the back. And initially we had two ramps.  
2 The second ramp has been removed. And we put that ramp in  
3 the back. So, we have only one ramp.

4 MEMBER JOHN: Okay. Thank you.

5 MS. HANDO: And the plan is in the system.

6 MEMBER JOHN: Okay. Thank you. I don't have  
7 any other questions right now.

8 VICE CHAIRPERSON HART: Commissioner May, do  
9 you have any questions?

10 MEMBER MAY: Yes, a couple. With regard to the  
11 parking relief. So, you didn't really speak much to the  
12 parking relief. You talked about pickup and drop off.  
13 But you're requesting relief from the requirement for  
14 three parking spaces.

15 And, you know, based on what I've read it seems  
16 like the argument is essentially that you don't have alley  
17 access, and you don't have a legal curb cut. But there is  
18 a curb cut, right?

19 MS. HANDO: Yes.

20 MEMBER MAY: Okay. And do you actually use  
21 that now for access to parking?

22 MS. HANDO: No. I don't really use that,  
23 because it's always closed. I don't, even the car, I  
24 don't park there. It's there --

25 MEMBER MAY: Sure.

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1 MS. HANDO: When I bought, when I purchased the  
2 house the curb cut was there. So --

3 MEMBER MAY: Okay.

4 MS. HANDO: I don't know how it gets to be like  
5 that.

6 MEMBER MAY: That's fine.

7 MS. HANDO: But I don't use it.

8 MEMBER MAY: All right. That's fine. And did  
9 you have any conversation with the District Department of  
10 Transportation about actually getting permission for that  
11 curb cut?

12 MS. HANDO: Actually, they said it wasn't  
13 illegal to have the curb cut. So, I didn't go through it  
14 again, because --

15 MEMBER MAY: You did not go through it again?

16 MS. HANDO: When I started the application they  
17 said they can, yes.

18 MEMBER MAY: They said it was illegal? But  
19 they didn't say that it --

20 MS. HANDO: So anyhow, the Department of  
21 Transportation, they mentioned that with less than 20 kids  
22 we don't, they don't see any problem with the parking.  
23 Because also, in my comment I realized that most of the  
24 school in the residential setting. And sometime they have  
25 over 300 kids. But the parking, it just come (audio

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1 interference).

2 MEMBER MAY: And that's not what I'm talking  
3 about. Hold on. Hold on. First of all, I cannot hear  
4 you. I cannot hear you.

5 (Simultaneous speaking)

6 MS. HANDO: So, they said 20 --

7 MEMBER MAY: So, my question just has to do  
8 with whether there was any discussion with DDOT about --

9 MS. HANDO: Kids is very --

10 (Simultaneous speaking)

11 MS. HANDO: Yes.

12 MEMBER MAY: And you're telling me that they  
13 said it's illegal. You're not telling me that they said  
14 that you could not.

15 MS. HANDO: Yes. They said that was, it's  
16 illegal. Yes. They said --

17 MR. DAVIS: They did not say you could not do  
18 on if you applied for it.

19 MS. HANDO: No, I did not apply. I did not ask  
20 that question to DDOT.

21 MEMBER MAY: Okay. All right. So, I'm going  
22 to ask DDOT when they have that. I don't think, we may  
23 not actually have anybody from DDOT here. But maybe the  
24 Office of Planning can speak to this. But it's a question  
25 as to, because, you know, one of the ways in which we can

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1 grant relief to that requirement is when you are told by  
2 DDOT that you cannot get a curb cut. And the record did  
3 not seem clear to me that --

4 MR. DAVIS: DDOT did say that.

5 MS. HANDO: I did. I did not ask DDOT. But I  
6 receive an email from the Office of Planning, who did the  
7 research. And they say I cannot use that. So, I have a  
8 email from them, Miss Hillary Siber (phonetic), she wrote  
9 that say I cannot --

10 MEMBER MAY: All right. So, we'll hear from --

11 MS. HANDO: Ms. Hillary Siber. She's the one  
12 who requested that from DDOT.

13 MEMBER MAY: Okay. So, we'll hear --

14 VICE CHAIRPERSON HART: Hold on, Mr. Davis. We  
15 need to ask questions. And then we can get to the answers  
16 from them. But I appreciate it. Commissioner May, do you  
17 have any other questions?

18 MEMBER MAY: Yes. My other question is, there,  
19 judging from what I see in the record the property line  
20 along Third Street is right at the house. Is that  
21 correct?

22 VICE CHAIRPERSON HART: That's a question for  
23 either Mr. Dorsey or Mr. Davis.

24 MEMBER MAY: Yes.

25 VICE CHAIRPERSON HART: We can't hear you, Mr.

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1 Dorsey.

2 MS. HANDO: Can't hear. We can't hear.

3 MR. DAVIS: Could you repeat the question,  
4 please?

5 MEMBER MAY: So, the property line along Third  
6 Street is actually at the fence of the house. Is it not?

7 MR. DORSEY: No. Can you hear me?

8 VICE CHAIRPERSON HART: Yes. We can hear you.

9 MR. DORSEY: Okay. The property on the Third  
10 Street is five feet from the house. Five feet from the  
11 base of the house.

12 MEMBER MAY: On Third Street? Okay. Third  
13 Street --

14 (Audio interference)

15 MR. DORSEY: -- first question about parking.  
16 I did reach out to Ms. Katrina Felder at DDOT about using  
17 the existing curb cut. We were told no, that it was  
18 illegal (audio interference). I initially designed  
19 creating three parking spaces for the lot. That would  
20 have been lot occupancy, which we should grant. And we  
21 were told by DDOT that the curb cut was illegal, and that  
22 we couldn't do (audio interference).

23 MEMBER MAY: All right. So, that's closer to  
24 the information that I need. I appreciate that. So, my  
25 next question is that if the property line is five feet

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1 away from the wall of the house on Third Street --

2 MR. DORSEY: Yes.

3 MEMBER MAY: That means that a large portion of  
4 that paved area in the side yard, and the fence itself,  
5 are actually in public space.

6 MR. DORSEY: Correct.

7 MEMBER MAY: Okay. So, when those were put in  
8 was that, did you get permits, and have public space  
9 approval for that? Because that's, typically they would  
10 not approve that much pavement, or a high fence in public  
11 space.

12 MR. DORSEY: When the owner, my understanding  
13 from speaking with the owner when she purchased the home  
14 the side yard, fence, and the curb cut already exist,  
15 similar to property in Northwest where the property line  
16 is on the face of the building with a yard.

17 So, those are the same conditions that exist  
18 for her. She was not aware that the property line was  
19 five feet from the house. I told her once I pulled the  
20 plat that this side yard is not yours. And she did not,  
21 she was not aware of the condition.

22 MEMBER MAY: Okay. So, Ms. Hando, the fence  
23 that's there right now is something that already existed  
24 when you purchased the house?

25 MS. HANDO: Yes. Yes.

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1 MEMBER MAY: Okay. Yes. Because typically  
2 that would not be approved today. I mean, I understand if  
3 it's grandfathered. And I don't know what the rules are  
4 when something is existing. But that much pavement, and a  
5 high fence like that in a public space, that is the beyond  
6 five feet, is typically not something that would be  
7 approved. Not that we would have to. But it would be  
8 DDOT that would approve it. So, that's why I was curious  
9 about it.

10 VICE CHAIRPERSON HART: Mr., Commissioner May,  
11 which drawing are you relying on to --

12 MEMBER MAY: It was the color photographs that  
13 I saw, instead of the paving and the fence. And then I  
14 compared that to the survey.

15 VICE CHAIRPERSON HART: Thank you.

16 MEMBER MAY: All right. I mean, it's a  
17 question. It doesn't relate very specifically to the  
18 relief. But it's, I mean, it's one of those things that I  
19 see happening all across the city, where things were put  
20 up in public space. And sometimes they have to be taken  
21 down. And frankly, they should be taken down. So, all  
22 right. That's it.

23 VICE CHAIRPERSON HART: Okay. Commissioner  
24 Brooks, ANC Commissioner Brooks, can you hear me?

25 MS. BROOKS: I can hear you.

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1 VICE CHAIRPERSON HART: Excellent. Welcome.  
2 Do you have any questions for the applicant?

3 MS. BROOKS: I'm sorry. I was putting on my  
4 headset. Did I have any questions for?

5 VICE CHAIRPERSON HART: For the applicant. For  
6 Ms. Hando or her representatives.

7 MS. BROOKS: No, I don't have any questions.  
8 But I do have some responses to some of the points made by  
9 Mr. Davis, in addition to my written testimony that I  
10 submitted yesterday.

11 VICE CHAIRPERSON HART: Yes. And actually, I  
12 was wondering if, you submitted an exhibit late yesterday.  
13 That is coming from you? Or is it coming from the ANC?

14 MS. BROOKS: It's coming from both. My  
15 Commissioners have seen this document, and have signed off  
16 on it. And I believe there's another Commissioner on the  
17 call today as well.

18 VICE CHAIRPERSON HART: Okay. I only have the  
19 one, you as the only Commissioner here.

20 (Simultaneous speaking)

21 MS. BROOKS: I believe LaRoya Huff is on the  
22 call as well.

23 VICE CHAIRPERSON HART: Mr. Young, who was  
24 that?

25 MR. YOUNG: It was LaRoya Huff. And she's

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1 calling in. So, I have her on the line.

2 MS. BROOKS: So, this is, I'm sorry. This is  
3 my SMD. And Ms. Huff's SMD abuts my SMD. So, we're both  
4 on the call.

5 VICE CHAIRPERSON HART: Okay. I think, I'm  
6 just trying to think of who is actually representing the  
7 ANC at this --

8 MS. BROOKS: I am.

9 VICE CHAIRPERSON HART: I understand that this  
10 is your SMD. Usually we have some written notification  
11 that says this person is, you know, authorized to --

12 MS. BROOKS: Right. So --

13 VICE CHAIRPERSON HART: -- from the ANC to be  
14 able to do that.

15 MS. BROOKS: So, I'm the Vice Chair of the  
16 Commission, and in the original letter that was submitted  
17 in January of 2019 --

18 VICE CHAIRPERSON HART: Okay.

19 MS. BROOKS: -- that indicated that I was the  
20 person that would represent the Commission on this issue.

21 VICE CHAIRPERSON HART: Ah, okay. Excellent.  
22 So, I think we can have the other ANC member in here.  
23 They might as well be in here, unless one of the other  
24 members has a thought on that.

25 MEMBER JOHN: So, I am not sure. So, the ANC

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1 initially did not have any objections to the request,  
2 right, or approved the request? And this was done, voted  
3 --

4 MS. BROOKS: Not exactly. The initial request  
5 to the ANC only discussed increasing the student  
6 population. And that's what the letter of support  
7 supported. The concept of no longer living in the home,  
8 and turning it from a home daycare into a daycare center  
9 was not addressed at that time.

10 It was not brought up. There were no plan  
11 provided to the ANC. That wasn't on the table. The only  
12 thing that was on the table was, I want to increase and  
13 accept more students. And to help, you know, the waiting  
14 list.

15 So, as time has gone on and we've learned more  
16 about this, there's been additional meetings held. And  
17 more has come to light. And the concern of the  
18 Commissioners, well, there's several.

19 But the initial concern is there, this seems to  
20 be somewhat of a moving target. You know, the plans  
21 changed. The initial request for support was for one  
22 thing. And now it's something else.

23 And it's not something that I would have  
24 supported, and sent to the Commission initially to vote  
25 on, quite honestly. The whole pop up aspect of the

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1 property, and turning it into a business, and not a home,  
2 is not okay with the Commissioners.

3 MEMBER JOHN: So, I'm looking at the January  
4 29, 2019 letter. And what was before the ANC was a  
5 request for special exception for an expanded child  
6 development home with 20 children and five staff. Now,  
7 was there a letter? It's not clear to me whether there  
8 was a full vote of the ANC on that request. I'm trying to  
9 read the letter now. Do you --

10 MS. BROOKS: Yes.

11 MEMBER JOHN: -- have --

12 MS. BROOKS: It wasn't a resolution. It was a  
13 letter of support. And it was voted on on January 27th,  
14 2019.

15 MEMBER JOHN: So, is that --

16 MS. BROOKS: I believe it was the 27th. But --  
17 So, let me step back and explain the process, if that's  
18 okay?

19 VICE CHAIRPERSON HART: Yes.

20 MS. BROOKS: This issue was a carryover from  
21 the previous Commission. I came to this position on  
22 January 2nd, 2019. So, this was submitted in 2018 to the  
23 prior Commissioner. I met with that Commissioner. I met  
24 with Ms. Hando, I believe via telephone.

25 At that time I contacted DCRA to get a better

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1 understanding of what was going on. And at that time  
2 across the board I was told by every person that this was  
3 to increase to 20 people. At no point did it, was I told  
4 that she wouldn't live in the home. At no point was I  
5 told that it would no longer be a home daycare, but be a  
6 daycare center.

7           At no point was I told that the home would be  
8 renovated with an addition added and, you know, converted  
9 into a business. So, at that point we submitted the  
10 request to the full Commission for a vote on a letter of  
11 support to expand to 20 people, 20 children. They are  
12 people, but 20 children.

13           And that was submitted under the premise of,  
14 the home wasn't a consideration at that time. After we  
15 learned that the home was to be modified, and neighbors  
16 were, you know, made aware and were becoming upset, we  
17 held two meetings about this issue, one in 2019 and  
18 another a month, a day before the March BZA meeting.

19           VICE CHAIRPERSON HART: And which were the days  
20 in 2019?

21           MS. BROOKS: It was July, probably 20  
22 something. it was my SMD meeting in July of 2019.  
23 Residents appeared at that meeting. Ms. Hando was at that  
24 meeting. And at that point the discussion was about,  
25 there was a rumor going around that she wanted to increase

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1 not from, not to 20, but to 40, 45 children. So, that was  
2 the primary focus of the conversation at that point.

3 In that meeting there was no conversation  
4 about, you know, popping up the property, adding across  
5 the top of the house, et cetera, et cetera. And if you  
6 look at the date for the plans, they're well after the  
7 January 2019 meeting. So, they couldn't have been  
8 provided in advance. Because they're dated six months  
9 after the letter of support was issued.

10 MEMBER JOHN: So, the ANC never voted again?

11 MS. BROOKS: No.

12 MEMBER JOHN: Okay.

13 MS. BROOKS: No. Never voted again. Was never  
14 asked to vote on a structure. And so, that was, so then,  
15 July 2019 happened. That meeting happened. She at that  
16 time said, I won't go past 20 kids, because the community  
17 doesn't support that.

18 And that meeting, you know, ended. We pushed  
19 forward. The house was placard in early 2020. Because,  
20 you know, time went on. The process is slow. I  
21 understand that. So, it wasn't placard until 2020.

22 And when it was placard it was late February.  
23 And it was prior to COVID-19. So, people were still  
24 having meetings, and still out and about. The home was  
25 placard. Residents immediately became concerned, because

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1 they never got a letter, a written notification of the  
2 hearing.

3           So, we scheduled another meeting with the  
4 community. Again, Ms. Hando was present. And it was  
5 acknowledged that some, for whatever reason the residents  
6 within 200 feet of the property were not notified in  
7 writing.

8           So, we agreed at that meeting, because there  
9 was such disagreement, and a lack of community support for  
10 the project, we agreed at that time that we would go to  
11 the BZA meeting in March, request a month's extension, and  
12 attempt to work through, you know the different sides.

13           We met in person in March, in the office, made  
14 that request, and then COVID-19 happened. So now we went  
15 from meeting obviously in April to meeting today.  
16 Residents, you know, are still deeply concerned. I am  
17 more concerned every day, because I'm hearing new things.  
18 And it changes every day.

19           And I do want to make, just before I leave  
20 sight of this, I want to make some points with regard to  
21 the comments that Mr. Davis made today. The Walmart in my  
22 opinion is irrelevant. It's in a business district.  
23 There are no single family homes there.

24           And to say that this is near the Walmart is a  
25 stretch. I don't think many of the residents that live on

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1 Quakenbos Street would be walking to the Walmart. It's  
2 quite, it's a nice walk.

3           Parking is an issue throughout this area.  
4 Quite often residents park their cars here, and then walk  
5 down and catch the bus, and commute wherever they're  
6 going. I think that having a daycare center that closes  
7 at the same time that people are getting off from work --

8           And, you know, this sort of assumes that one  
9 day there won't, we won't be in a COVID-19 world, and  
10 people will be going out of their homes, and going to work  
11 again, right. So, you have the potential --

12           VICE CHAIRPERSON HART: Can you hold on for a  
13 second? Mr. Davis, can you mute your line, please? Thank  
14 you. All right. I'm sorry about that Commissioner  
15 Brooks.

16           MS. BROOKS: That's fine. So, I would say that  
17 parking is an issue. It's an issue every day anyway.  
18 Because you have people that come in from Maryland, park  
19 their cars, catch the bus, what have you.

20           The three subway stations that were mentioned  
21 are not walking distance to the home. The Brookland  
22 subway station is a completely different community.  
23 Brookland subway station is not walking distance to our  
24 community.

25           And she is equidistant between Takoma and Fort

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1 Totten. Again, that's a stretch. That walk is a stretch.  
2 I suppose people could do it. They'd be in great shape.  
3 It wouldn't be a walk I'd make every day in my commute to  
4 and from work. But it could be, I mean, that's a stretch.

5           There are bus lines nearby. There has been no  
6 traffic study conducted with regard to how the  
7 neighborhood would be impacted. And when Mr. Davis was  
8 speaking I contacted the representative from DDOT. And  
9 Saraman Malina (phonetic) is not aware of the request at  
10 all.

11           Okay. And what other points should I make?  
12 And with regard to the fence, that fence was just rebuilt  
13 the last two weeks, maybe a month ago. I don't know if  
14 that's relevant or not. But that should, that point  
15 should be made.

16           VICE CHAIRPERSON HART: Board Member John, you  
17 had another question?

18           MEMBER JOHN: So, in terms of parking. So, the  
19 request before the Board now is to increase from nine  
20 students to 20, which is an additional 11 students. And  
21 there's testimony that many of these students will be  
22 walked to school. Let's say conservatively that's 50  
23 percent. So, we're looking at maybe the increase in  
24 traffic from maybe another six parents that might drive.  
25 So, you think that another six parents driving would be a

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1 substantial impact on the traffic?

2 MS. BROOKS: I think, and I'm a parent of  
3 three. I think that when I pick up my children from  
4 daycare, of when I did pick up my children from daycare, I  
5 parked, I went inside. I wanted to know how their day  
6 was. I wanted to know if they ate their vegetables. I  
7 wanted to know if they, you know, had a great day.

8 I didn't go through a drive through line, pick  
9 up my kids, and leave. I think that if you're expecting  
10 that, that that, I don't think that, and I said this to  
11 Ms. Hando in the meeting that we had. I don't think  
12 that's a reasonable expectation.

13 So, if you have, you know, half the people  
14 parking, and that's ten people, and they're all working  
15 roughly the same hours, they're all coming at roughly the  
16 same time, and that happens to be roughly the same time  
17 that the residents come home from work, I think you have a  
18 traffic problem. I think you have a parking problem.

19 So, are neighbors then to wait until the  
20 business that you installed next to their homes closes to  
21 then have to go out into the community and move their  
22 vehicles? And if they have to park somewhere else because  
23 they can't park in front of their home, now there's a  
24 spillover of traffic into, or parking onto other streets.

25 And that's for me a, that would be for me a

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1 quality of life issue. That would be an inconvenience so  
2 that someone could open a business in my neighborhood, in  
3 my community. And that's not what they signed up for when  
4 the moved into their homes. They didn't knowingly buy  
5 next to a business. They bought next to a home.

6 VICE CHAIRPERSON HART: I understand. Are  
7 there any other questions? Actually, Commissioner Brooks,  
8 are you, I'm assuming that was part of your presentation  
9 that you'd like to make?

10 MS. BROOKS: Yes.

11 VICE CHAIRPERSON HART: Okay. Are you  
12 completed with that?

13 MS. BROOKS: I can read the letter that I  
14 submitted if you like, so that those that didn't see it --

15 VICE CHAIRPERSON HART: You don't have to do  
16 that.

17 MS. BROOKS: -- can hear it.

18 VICE CHAIRPERSON HART: I mean, it's in the --

19 MS. BROOKS: Okay.

20 VICE CHAIRPERSON HART: It's in the record now.

21 And --

22 MS. BROOKS: Yes.

23 VICE CHAIRPERSON HART: I've actually read  
24 through it. I just didn't know if there was something  
25 else in particular that you wanted to do. And I didn't

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1 know also if the Board Members had any questions of the  
2 ANC member.

3 MS. BROOKS: I would just add before we go to  
4 the question and answer period that as the Commissioner of  
5 Record, and speaking on behalf of the Commission, there's  
6 definitely a concern that we were used to a degree. That  
7 there was an ulterior motive to start out with 20, and  
8 then decide to, you know, change it from a home business  
9 to a center.

10 VICE CHAIRPERSON HART: Well --

11 MS. BROOKS: And I want to make it clear that  
12 that's not what we thought we were voting for.

13 VICE CHAIRPERSON HART: I understand.

14 MS. BROOKS: Are there --

15 VICE CHAIRPERSON HART: And right now what's  
16 before us is 20. And that is, and, you know, honestly  
17 that's being, that's what the request is. We need to  
18 figure out if that's, you know, an appropriate amount, or  
19 something that's less than that. I'm not sure.

20 MS. BROOKS: But it's the construction of the  
21 dwelling, the change of the dwelling, you know --

22 VICE CHAIRPERSON HART: I understand.

23 MS. BROOKS: -- is the bigger issue. Because  
24 we never had a chance to weigh in on that. We never had  
25 that discussion at an ANC level.

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1 VICE CHAIRPERSON HART: Yes.

2 MEMBER JOHN: So, could I jump in here?

3 VICE CHAIRPERSON HART: Yes.

4 MEMBER JOHN: So, I'm not sure if you heard the  
5 information from the Office of Planning that there's no  
6 request on the table for the dwelling if the side yard  
7 relief goes away.

8 And the only other thing that's left would be  
9 relief for parking, and the request to operate a child  
10 development center for 20 children. So, that's the only  
11 thing --

12 MS. BROOKS: No, I --

13 MEMBER JOHN: -- that's on the table right now,  
14 assuming that the conversion, the 5201 conversion goes  
15 away, and the side yard relief goes away.

16 MS. BROOKS: I didn't understand that until  
17 today's call.

18 VICE CHAIRPERSON HART: Yes.

19 MS. BROOKS: But again, my concern is that I  
20 asked for one thing first, I get that. Then I asked for  
21 the next thing, and potentially get that. So then what  
22 you're saying is she has the opportunity to come back and  
23 ask for the structure, and the neighbors will still be  
24 opposed to the structure at that point, which obviously  
25 you can't address today. I understand that.

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1 But I think when you hear from other neighbors  
2 there will be a consensus that one, they don't want the  
3 structure. But two, it's the methodology. It's the way  
4 in which this has all transpired that is concerning.

5 VICE CHAIRPERSON HART: Okay. Board Member  
6 John, do you have any further questions?

7 MEMBER JOHN: No. I'll wait to hear from the  
8 Office of Planning.

9 VICE CHAIRPERSON HART: Commissioner May.

10 MEMBER MAY: I do not have any questions for  
11 the ANC.

12 VICE CHAIRPERSON HART: Thank you. Does the  
13 applicant have any questions for the ANC? That's, Mr.  
14 Davis, do you or Ms. Hando have any questions?

15 MS. HANDO: Yes. Yes. It's not a question  
16 because --

17 VICE CHAIRPERSON HART: Well, all we're doing  
18 right --

19 (Simultaneous speaking)

20 VICE CHAIRPERSON HART: Excuse me. Excuse me,  
21 Ms. Hando.

22 MS. HANDO: The structure, the --

23 VICE CHAIRPERSON HART: But, Ms. Hando, for a  
24 second.

25 MS. HANDO: Hello.

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1 VICE CHAIRPERSON HART: For a second. Yes. We  
2 have to, at this point we're asking questions of what the  
3 Commissioner just described, or just --

4 MR. DAVIS: Yes. The Commissioner Brooks  
5 mentioned about the metro stations. And said that what I  
6 said was a gross misstatement then, she said.

7 VICE CHAIRPERSON HART: Okay.

8 MR. DAVIS: Well it's, Takoma Station is 4.7  
9 miles, or 16 minutes from the property.

10 VICE CHAIRPERSON HART: By driving?

11 MR. DAVIS: By driving.

12 VICE CHAIRPERSON HART: Okay.

13 MR. DAVIS: 4.7 miles walking.

14 VICE CHAIRPERSON HART: Typically we look at  
15 something as something being walkable. Because what  
16 we're, the reason --

17 MR. DAVIS: Yes.

18 VICE CHAIRPERSON HART: -- that you --

19 MR. DAVIS: I understand that. But I just want  
20 to --

21 VICE CHAIRPERSON HART: These things --

22 MR. DAVIS: That's the one that's furthest  
23 away. That's the one that's furthest away. Takoma  
24 Station is ten minutes, or 2.9 miles. And Fort Totten is  
25 3.1 miles, or 12 minutes. And all three stations --

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1 VICE CHAIRPERSON HART: So, is there --

2 MR. DAVIS: -- having --

3 VICE CHAIRPERSON HART: Is there a question  
4 that you have?

5 MR. DAVIS: Well, I'm only -- She says that I  
6 made a gross mistake. And I'm trying to understand what --  
7 -

8 VICE CHAIRPERSON HART: Well, it's --

9 MR. DAVIS: -- she means by that. Because the  
10 bus lines run very quickly.

11 VICE CHAIRPERSON HART: Okay. That --

12 MS. BROOKS: I can answer that.

13 VICE CHAIRPERSON HART: I understand --

14 MS. BROOKS: I can answer that.

15 VICE CHAIRPERSON HART: Okay.

16 MS. BROOKS: Brookland Station is not in this  
17 community. That is a misstatement. No one's going to  
18 catch the train to Brookland and walk here. It's not  
19 going to happen. I live closer to the metro than Ms.  
20 Hando does. And it is a solid 15 minute walk for me to  
21 get there from my home. I didn't say that people wouldn't  
22 do it. I said it was a stretch.

23 VICE CHAIRPERSON HART: And that's fine. And I  
24 appreciate that. Mr. --

25 MS. HANDO: Yes. I wanted --

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1 VICE CHAIRPERSON HART: Yes.

2 MR. DAVIS: Yes.

3 VICE CHAIRPERSON HART: Ms. Hando.

4 MS. HANDO: I wanted to mention, to clarify  
5 something. That's what I wanted to do.

6 VICE CHAIRPERSON HART: You're asking questions  
7 on what she just discussed. What the --

8 MS. HANDO: Yes.

9 VICE CHAIRPERSON HART: -- ANC Commissioner  
10 just discussed.

11 MS. HANDO: Yes. Right. Because it seems like  
12 the neighbor thought that I'm asking the permission to do  
13 the structure. Actually the, it's to extend the program  
14 with the parking, and the 20 kids. So, much of the  
15 neighbor is doing, is thinking that I'm transforming my  
16 home. So, building, or doing the structure is, the way we  
17 structure is by right. So, I would not ask for special  
18 exceptions to build on my property.

19 VICE CHAIRPERSON HART: Okay.

20 MS. HANDO: Then I'm asking special exception  
21 for adding more, 20 kids, adding more kids and the  
22 parking.

23 VICE CHAIRPERSON HART: Okay. Okay.

24 MS. HANDO: Sometimes they don't get it.

25 VICE CHAIRPERSON HART: Thank you. Thank you.

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1 Okay. So --

2 MS. BROOKS: Can I address that? Can I say  
3 something?

4 VICE CHAIRPERSON HART: No, no. We don't, she  
5 didn't ask a question. So that's not --

6 MS. BROOKS: Okay.

7 VICE CHAIRPERSON HART: -- something you need  
8 to respond to. But thank you. So, we'll move to the  
9 Office of Planning. Ms. Brown-Roberts.

10 MS. BROWN-ROBERTS: Good afternoon. Good  
11 afternoon, Mr. Chairman, again, Members of the BZA. The  
12 applicant has requested to have a child development  
13 center, which is under Section U203, which is a daytime  
14 care. And it calls out a number of uses, one of which is  
15 the child development center.

16 The proposal is that the facility shall be  
17 located and designed to create no objectionable traffic  
18 conditions. The applicant says, and DDOT addressed this  
19 requirement that there will be drop off only along Third  
20 Street.

21 And Ms. Hando stated that at least a majority  
22 of the children will be from the neighborhood. And  
23 therefore, in conjunction with the recommendation from  
24 DDOT we think that they will meet this condition.

25 Commissioner asked about the curb cut. And in

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1 our office out representative of the public space did some  
2 research and noted that the curb cut, existing curb cut is  
3 not permitted. It is not shown in any reference. And it  
4 also suggested that they would not permit a curb cut  
5 there.

6 We don't have anything in writing for that, as  
7 it would have to officially go to the Public Space  
8 Committee if she wanted to have the curb cut. So, that is  
9 something that, you know, she could do after, if the Board  
10 thinks that she needs to park on site. Then she would  
11 have to go and get a permit from public space.

12 The DDOT, in conversations with them they said  
13 they didn't have a problem with having the drop off and  
14 pick up along the, along Third Street.

15 The next standard is that the play area shall  
16 be located on site. And in this case it is located on  
17 site. The applicant states that they will not be taking  
18 them off site for play area.

19 The special, any treatment or screening of the  
20 building, the Office of Planning did not find that there  
21 needs to be any additional screening, as the property is  
22 fenced, just for the, and the kids in the play area. So,  
23 there was no additional screening requirements that we  
24 recommended.

25 Regarding the parking, the special exception

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1 for the reduction in parking, the requirement is for three  
2 parking spaces. And she has requested that none will be  
3 provided.

4 One of the categories is that the use of the  
5 structure is served by mass transit. Again, the property  
6 is in close proximity to Eastern Avenue, and also New  
7 Hampshire Avenue, which has busses coming by there.

8 Again, the applicant said most of the kids  
9 would be coming from the neighborhood, and would walk.  
10 And then another would be that the, right now there's no  
11 access to an alley. And there's no permit to use, to have  
12 a public space to have a curb cut at this time.

13 Based on that the Office of Planning recommends  
14 approval of the requested daycare center and the parking.  
15 Thank you, Mr. Chairman.

16 VICE CHAIRPERSON HART: Thank you. Does the  
17 Board have any questions for the Office of Planning? Ms.  
18 John, no? Commissioner May?

19 MEMBER MAY: Yes. One with regard to the curb  
20 cut. The research that you all had done, or the contact  
21 that you had with DDOT, was there an indication of why  
22 they were not liking the permit for a curb cut?

23 MS. BROWN-ROBERTS: One of the things in the  
24 conversation was that they did not think that the number  
25 of children would generate any impacts on the parking lot.

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1 And they, the distance from the intersection also was  
2 something that they, they did not say exactly that that  
3 was an impact. But their, it was their intention that  
4 they were not going to, not put a curb cut there.

5 (Simultaneous speaking)

6 MS. BROWN-ROBERTS: Again, it's not something  
7 that she has applied for, at which time they would  
8 definitely say yes or no. So, these are just sort of  
9 conversations that we had.

10 MEMBER MAY: Okay. But you think it may be in  
11 part due to proximity to the corner?

12 MS. BROWN-ROBERTS: The intersection of Third  
13 and Quackenbos Street.

14 MEMBER MAY: Okay. I mean, it's one thing to  
15 say that it's not necessary. It's another thing to say  
16 that (audio interference) the standard is. I thought it  
17 said that there's cases where DDOT has denied --

18 MS. BROWN-ROBERTS: I think it said that if  
19 they deny, then they have to provide a TDM plan. Well, a  
20 TDM plan is if they waiver from the complete requirement  
21 of the transportation. And DDOT did submit that.

22 MEMBER MAY: Okay. All right. I'm going to --  
23 All right. Thank you.

24 VICE CHAIRPERSON HART: Thank you. So, Mr.  
25 Davis, do you all have any questions for the Office of

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1 Planning?

2 MR. DAVIS: No, we don't have any further  
3 questions at this time.

4 VICE CHAIRPERSON HART: Okay. Thank you. ANC  
5 Commissioner Brooks, do you have any questions for the  
6 Office of Planning?

7 MS. BROOKS: I'm sorry. I'm still struggling  
8 with mute. No, I do not have any questions at this time.

9 VICE CHAIRPERSON HART: Okay. That's looking  
10 up. I've been doing it all day. So, it's not a problem.  
11 So, now I think we're going to go to the testimony. It  
12 looks like we have quite a number of folks that are here.

13 If we could have the folks, since there are  
14 more people in the support column, why don't we hear from  
15 them first? Mr. Young, there's a number of, the first  
16 five people, Rosalie Ngatchou, Caroline Djambou, Fatuomata  
17 Maiga, Salamatou Koroma. I'm sorry, I'm probably really  
18 not saying these names correctly. So, I apologize for  
19 that. And the last one is Aminata Maiga. Let's see if we  
20 have everyone here. The first person that I'll hear from  
21 is Rosalie Ngatchou.

22 MS. NGATCHOU: Yes. Hello.

23 VICE CHAIRPERSON HART: Good afternoon. How  
24 are you? Welcome.

25 MS. NGATCHOU: Hi.

1 VICE CHAIRPERSON HART: So, you have, you're  
2 here to testify on this particular case. You are in  
3 support of the application, correct?

4 MS. NGATCHOU: Correct.

5 VICE CHAIRPERSON HART: You have three minutes  
6 to make, to give your testimony.

7 MS. NGATCHOU: Okay.

8 VICE CHAIRPERSON HART: And you should be able  
9 to see a clock on the upper left hand side of your screen  
10 maybe. If you have all of, the screen for all of the  
11 people, you know, that you can see everyone.

12 MS. NGATCHOU: Okay.

13 VICE CHAIRPERSON HART: There should be a  
14 clock. And there should be three minutes. And do you see  
15 that now?

16 MS. NGATCHOU: Yes.

17 VICE CHAIRPERSON HART: Okay. Mr. Young, could  
18 you start that when Ms., and is it, am I really butchering  
19 your name?

20 MS. NGATCHOU: Rosalie Ngatchou.

21 VICE CHAIRPERSON HART: Ngatchou. Oh, I was  
22 close. Okay.

23 MS. NGATCHOU: Yes. Very.

24 VICE CHAIRPERSON HART: You can start it when  
25 she begins. Thank you. And you can begin when you'd

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1 like.

2 MS. NGATCHOU: Okay.

3 VICE CHAIRPERSON HART: If you could introduce  
4 yourself, and say where you're from.

5 MS. NGATCHOU: Hello. My name is Rosalie  
6 Ngatchou. And I'm from 240 Quackenbos Street. So, this  
7 is just my short testimony. I would like to testify on  
8 behalf of my experience at Renaissance Center for Culture  
9 and Education.

10 I've been a student since the program opened.  
11 And I've gained a lot meaningful life experiences thus  
12 far. First I would like to start off with my knowledge of  
13 the French language, which actually came from the courses  
14 offered at Renaissance.

15 As a student in the French Emergent Program  
16 this was extremely beneficial, because I was able to  
17 advance in the French language. The after school program  
18 allowed me to go over conjugation, practice my  
19 conversational skills, and even read books in the  
20 language.

21 Thanks to Renaissance I recently graduated D.C.  
22 International School with not only my diploma, but my  
23 bilingual seal. This is just a fragment of everything  
24 that Renaissance has given me. And programs like  
25 Renaissance are needed in our community in order to raise

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1 the next generation of globally competent, compassionate,  
2 and knowledgeable young leaders. Thank you.

3 VICE CHAIRPERSON HART: Thank you very much.  
4 Do the Board Members have any questions for Ms. Ngatchou?

5 MEMBER JOHN: No.

6 VICE CHAIRPERSON HART: So, thank you very  
7 much. And I think we're done with your testimony. And we  
8 can move now to Ms. Caroline Djambou.

9 MEMBER MAY: Mr. Chairman, we have to ask the  
10 applicant --

11 VICE CHAIRPERSON HART: Right. Yes, yes, yes,  
12 yes. This is still hard for me to get used to, this  
13 process online. So, if he's listening, and he probably  
14 is, thank you, Mr. Chairman Hill. So, does the applicant  
15 have any questions for Ms. Ngatchou? That's Mr. Davis.

16 MR. DAVIS: No, we don't.

17 VICE CHAIRPERSON HART: Thank you. Does, wow,  
18 there's a lot of feedback going on. Does, Commissioner  
19 Brooks, do you have any questions for Ms. Ngatchou?

20 MS. BROOKS: I have a general question. I know  
21 that Ms. Ngatchou is Ms. Hando's daughter. And so, I  
22 don't want to put her in an awkward position to, you know,  
23 I don't know if that's appropriate or not.

24 VICE CHAIRPERSON HART: It doesn't, it's not a  
25 problem if she's a family member.

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1 MS. BROOKS: No, no, no. I know that. But I  
2 don't want her to feel uncomfortable about answering  
3 questions about her mother and her home. So, I just  
4 wanted to make --

5 VICE CHAIRPERSON HART: Are you asking  
6 questions about the testimony that she just gave?

7 MS. BROOKS: Yes. I don't know that, I mean,  
8 is her testimony to, going to be that she learned French  
9 at the daycare, but not at home from her mother? I don't  
10 understand --

11 VICE CHAIRPERSON HART: I don't --

12 MS. BROOKS: -- the distinction being made.

13 VICE CHAIRPERSON HART: I don't think that  
14 that's necessarily a, that's necessary for the application  
15 before us.

16 MS. BROOKS: Okay.

17 VICE CHAIRPERSON HART: We're a Zoning Board.  
18 So, we're trying to look at the zoning applications.  
19 People may give testimony as they like. Your question  
20 should be focused around what the, if there were things  
21 that were, clarification that you needed for the zoning  
22 relief issues she's requesting, general questions. It's  
23 not really --

24 MS. BROOKS: Yes, no.

25 VICE CHAIRPERSON HART: -- in my estimation not

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1 necessarily appropriate here.

2 MS. BROOKS: No. I don't have anything for  
3 her.

4 VICE CHAIRPERSON HART: Thank you very much.  
5 Thank you Ms. Ngatchou. So, Ms. Caroline Djambou. And if  
6 you could unmute. And I don't know if you were going to  
7 show your video or not. That's up to you. Welcome.

8 MS. DJAMBOU: Oh, thank you. I'm here.

9 VICE CHAIRPERSON HART: Okay. If you could,  
10 give your name, address, and you will have three minutes  
11 to be able to present your testimony.

12 MS. DJAMBOU: My name is Caroline Djambou. I'm  
13 walking distance from the Renaissance Center. I'm live on  
14 754 Second Street Northwest. I've been working with  
15 Renaissance as a parent of four.

16 And since my, the Renaissance have my children  
17 to share their French. And also, when I was listen to the  
18 intervention one of the members say that she don't feel  
19 like the pick up from children will be okay. But I think,  
20 from the time my daughter has been there I always pick up  
21 my daughter from the door.

22 And if they have a menu she will find out about  
23 what her daughter has been eating. They'll tell you.  
24 They'll give the menu in the front. On Monday they give  
25 the list of all the menu for the week. And if you have

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1 any question you can get a question from the door.

2           You don't have to, you don't go inside the  
3 daycare to find out what has been going on during the day.  
4 Because they give you the program, and also on the phone.  
5 Many, they can communicate with you. And they have any  
6 concern they can call you.

7           But picking up you are just get your child and  
8 leave. We wasn't coming there for any type of discussion.  
9 But if you have anything to say they, you can call and  
10 schedule any entertainment with the teacher or the  
11 director if you have some concern about your children.

12           So, what I'm saying, that the Renaissance  
13 Center is very important to the neighborhood, because it  
14 allowed my children to share their French. It's in the  
15 walking distance. And also, we all, at the Renaissance  
16 Center we have a cultural, we not just the English and  
17 French, but we also have a lot of cultural event that  
18 enable my children to be focused, be really focused.

19           We have so many activities that my children  
20 participate and learn from that center. So, I really  
21 encourage whoever have a decision to approve the extension  
22 of the center.

23           VICE CHAIRPERSON HART: Thank you very much.

24           MS. DJAMBOU: You're welcome.

25           VICE CHAIRPERSON HART: Mr. Davis -- actually,

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1 do the board members have any questions for the applicant?

2 MEMBER JOHN: Ms. Djambou, how long have your  
3 children gone to the center? How many years?

4 MS. DJAMBOU: Oh, my daughter -- my daughter is  
5 three and she has been with Renaissance since six months.

6 MEMBER JOHN: Okay.

7 MS. DJAMBOU: And I have a son who has been  
8 going there. I have a 14 years, I have a 12 years and I  
9 have a 10 years. So, they always been part of Renaissance  
10 because of much more activity that Renaissance provide.

11 MEMBER JOHN: Thank you.

12 MS. DJAMBOU: You're welcome.

13 VICE CHAIRPERSON HART: Mr. Davis, do you have  
14 any questions for the applicant?

15 MR. DAVIS: No, we don't.

16 VICE CHAIRPERSON HART: ANC Commissioner Brooks,  
17 do you have any questions for the applicant -- or not the  
18 applicant, for the -- for this testimony?

19 MS. BROOKS: No, I don't.

20 VICE CHAIRPERSON HART: Thank you. Thank you  
21 very much, Ms. Djambou. So, I think we're going to move  
22 to Fatoumata. If you could unmute and -- good afternoon.

23 MS. F. MAIGA: Hello. Do you hear me?

24 VICE CHAIRPERSON HART: Yes.

25 MS. F. MAIGA: Yeah. My name is Fatoumata. I

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1 live a couple of blocks from the Renaissance Center. I  
2 have two important things to say about the center.

3           They are doing an excellent job at supporting  
4 academic growth of the children. My daughter have been  
5 going there since she was in grade school. She has  
6 improved a lot. She is in advanced. And because of that,  
7 she even skip one grade. From kindergarten, she went  
8 directly to second grade. Mostly, this is because of the  
9 good basics that she got at Renaissance.

10           Second, it is very close to my house. I don't  
11 need any transportation. We just walk and go there. So,  
12 since four years old that she been going there up to now,  
13 she is ten years, she is still going there for her after-  
14 school programs. I fully support the extension of the  
15 center because any time when I refer people, they are on  
16 the waiting list. No space to accommodate my people that  
17 I know.

18           So, therefore, I will truly appreciate if you  
19 can approve the expansion of this project. Thank you.

20           VICE CHAIRPERSON HART: Thank you very much.  
21 Board members, do you have any questions for this  
22 testimony?

23           (Pause.)

24           VICE CHAIRPERSON HART: Mr. Davis, do you have  
25 any questions for this testimony?

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1 MR. DAVIS: No, we don't.

2 VICE CHAIRPERSON HART: ANC Commissioner Brooks,  
3 do you have any questions?

4 MS. BROOKS: Yes, I do.

5 VICE CHAIRPERSON HART: Sure.

6 MS. BROOKS: And my question is while I  
7 appreciate that you enjoy the center and your daughter has  
8 done well, can you tell me how you're aware of how the  
9 requested exemption will impact the community?

10 MS. F. MAIGA: I mean, of course I consider  
11 myself a little part of the community. So -- and I know  
12 other people, too, who live in the community who want to  
13 go there. But because there is no space, they are in the  
14 waiting list and that is affecting them a lot. If they  
15 could just walk and go, it's better for them than going  
16 far away to look for other places that might not even be  
17 available.

18 MS. BROOKS: So, I'm sorry, are you one of my  
19 constituents? I'm not aware of your living in this  
20 neighborhood.

21 Where are you coming from?

22 MS. F. MAIGA: I am in 5730 Blair Road. It's  
23 less than half mile of Renaissance Center. Maybe 0.3 or 4  
24 maximum.

25 MS. BROOKS: Okay.

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1 VICE CHAIRPERSON HART: Do you have any other  
2 questions, Commissioner Brooks?

3 MS. BROOKS: Not at this time.

4 VICE CHAIRPERSON HART: thank you.

5 MS. F. MAIGA: I have one point. The --

6 VICE CHAIRPERSON HART: Hold on a second. We  
7 actually -- you've given your testimony already.

8 MS. F. MAIGA: Yeah.

9 VICE CHAIRPERSON HART: Are you asking another  
10 question?

11 MS. F. MAIGA: It's just information. The  
12 following person who's supposed to talk, she have issue  
13 with her phone. So, she come to me. She say if she can  
14 use my phone. I don't know if that is possible or not.

15 VICE CHAIRPERSON HART: Okay. I'm not sure who  
16 that person is.

17 MS. F. MAIGA: Aminata. You said her name.

18 VICE CHAIRPERSON HART: Aminata, yes. Yes.  
19 She's --

20 MS. F. MAIGA: She is with me, yeah.

21 VICE CHAIRPERSON HART: -- with you?

22 MS. F. MAIGA: Yeah. Right now, she's here with  
23 me. She have issue with her phone.

24 VICE CHAIRPERSON HART: Okay. So, we have --  
25 yeah, she can actually come on. I called her name, so she

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1 can start her testimony, if she would like.

2 MS. F. MAIGA: Okay.

3 VICE CHAIRPERSON HART: And did you give your  
4 phone to her?

5 MS. F. MAIGA: Yeah. I'm going to give it to her  
6 right now.

7 VICE CHAIRPERSON HART: You can do that. Thank  
8 you.

9 MS. F. MAIGA: You're welcome.

10 VICE CHAIRPERSON HART: We live in a virtual  
11 world now.

12 MS. A. MAIGA: Good afternoon.

13 VICE CHAIRPERSON HART: Good afternoon, Ms.  
14 Maiga.

15 So, if you could, give us your name and  
16 address. You have three minutes for your statement and  
17 you can begin when you'd like.

18 MS. A. MAIGA: Thank you. My name is Aminata  
19 Maiga. I live in Silver Springs, Maryland, but I'm -- I  
20 became aware of this center through my niece who attended  
21 it when she was at preschool age. She attended the  
22 Renaissance Center and I think that she benefitted  
23 tremendously. She developed great writing and reading  
24 skills to the point of becoming an advanced reader.

25 And as a fifth grader, she continues to attend

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1 after-school programs at the center, a very good -- a  
2 great convenience for her family. She's also learning  
3 French there and taking computer classes. I find the  
4 center to promote -- to foster children's academic growth  
5 and it was exposing them to a great cultural diversity.

6 So, my advocacy is to please allow the project  
7 to move forward so that children who are on waiting lists  
8 can also benefit from this program. Thank you very much.

9 VICE CHAIRPERSON HART: Thank you, Ms. Maiga.

10 MS. A. MAIGA: You're welcome.

11 VICE CHAIRPERSON HART: Do the board members  
12 have any questions for this testimony?

13 (Pause.)

14 VICE CHAIRPERSON HART: Okay. Mr. Davis, do you  
15 have any questions?

16 MR. DAVIS: No, I don't.

17 VICE CHAIRPERSON HART: ANC Commissioner Brooks,  
18 do you have any questions for this testimony?

19 MS. BROOKS: Yes. Same question I had before.

20 Do you live in the community and how would you  
21 feel the neighborhood would be impacted by this increase?  
22 The program itself is not a question, it's the increase in  
23 students, traffic and structure that we're concerned  
24 about.

25 MS. A. MAIGA: I do not live in the community,

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1 but I regularly visit and sometimes pick up my niece from  
2 there. I have not heard any complaints about children's  
3 behavior or the owner of the center. I have not heard  
4 anything negative and --

5 MS. BROOKS: Have you spoken with neighbors  
6 about it?

7 MS. A. MAIGA: Oh, no. As I said, I don't live  
8 in the neighborhood. So, I have not, but --

9 MS. BROOKS: But that would then by why you  
10 haven't heard anything, correct, because you haven't  
11 spoken to them?

12 MS. A. MAIGA: I'm not in a place to, but I do  
13 go there from time to time to pick up my niece. I entered  
14 there myself and I saw different categories of children  
15 there, even those with disabilities. So, I'm just saying  
16 I didn't hear -- people tend to talk mouth to ear. You  
17 would hear if something is negative about a place.  
18 Sometimes you can hear about it.

19 It doesn't mean -- if you don't hear it, it  
20 doesn't mean it's not there, but I'm just saying I don't  
21 live in the community. I haven't heard anything negative  
22 in the times that I came around and I think it gives great  
23 opportunities for the academic development and cultural  
24 exposure of children who have a chance to go there.

25 MS. BROOKS: Alright. Thank you.

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1 MS. A. MAIGA: Thank you.

2 VICE CHAIRPERSON HART: Thank you.

3 MS. A. MAIGA: Thank you.

4 VICE CHAIRPERSON HART: I don't think we have  
5 any other questions, so I appreciate your testimony. Mr.  
6 Young, if we could get the next group of folks.

7 MR. YOUNG: I do have one more from that group  
8 who is calling in on the line.

9 VICE CHAIRPERSON HART: Oh, Salamatou Koroma?

10 MR. YOUNG: Yeah.

11 VICE CHAIRPERSON HART: Okay.

12 MR. YOUNG: So, I'm going to unmute her now.

13 VICE CHAIRPERSON HART: That's fine.

14 MS. KOROMA: Hello.

15 VICE CHAIRPERSON HART: Yes, hello.

16 MS. KOROMA: Good afternoon.

17 VICE CHAIRPERSON HART: Good afternoon, Ms.

18 Koroma?

19 MS. KOROMA: Yes.

20 VICE CHAIRPERSON HART: If you could, give us  
21 your name and address. You have three minutes to provide  
22 your testimony on this case.

23 MS. KOROMA: Okay. Thank you.

24 My name is Salamatou Koroma. I live in 415  
25 Madison Street, NE, Washington, D.C. I support the

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1 expansion of this program. I have received a great thing  
2 for my daughter being attending in this facility. And my  
3 daughter -- I just walk from my place to the center, which  
4 is very convenient for me and my child. And my child  
5 right now, she is even do great on the language barrier  
6 because we -- I am not a French-speaking person.

7           But because of this day care center, help my  
8 daughter to have the opportunity to learn a different  
9 language and which will help her completely for her  
10 education. So, as a parent, I am just ask and plead,  
11 please, to give us a chance for our children to proceed in  
12 this area so we don't have to be going -- looking for  
13 different place that we don't even understand. Thank you.

14           VICE CHAIRPERSON HART: Thank you very much.

15           Board members, do we have any questions for  
16 this testimony? I see no -- people are shaking their  
17 heads.

18           Mr. Davis, do you have any questions for this  
19 testimony?

20           MR. DAVIS: No. No questions.

21           VICE CHAIRPERSON HART: Okay. ANC Commissioner  
22 Brooks, do you have any questions?

23           MS. BROOKS: No.

24           VICE CHAIRPERSON HART: Thank you. So, thank  
25 you very much, Ms. Koroma. I appreciate your time.

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1           So, Mr. Young, if we could get the next group  
2 in here that are in support, there should be four others;  
3 Nasanta Orango, Debora Ngongang, Simeon Tchameu -- or  
4 maybe it's Shameu, and then Laurentine Nono.

5           (Pause.)

6           MR. YOUNG: I have two of them and I'm not  
7 seeing the first two right now.

8           VICE CHAIRPERSON HART: Okay. And so, we have  
9 Ms. Nono and Simeon Tchameu. Okay. So, how about Simeon  
10 Tchameu. We'll start with -- start from there. Can you  
11 hear me?

12          MR. TCHAMEU: Yes, sir.

13          VICE CHAIRPERSON HART: And I know I'm probably  
14 really mispronouncing your name. So, I apologize.

15          MR. TCHAMEU: It's okay. You are right. Good  
16 afternoon to everyone. My name is Simeon Tchameu. Yes, I  
17 live on the Second Street, NE, behind Walmart.

18          So, my niece is on the waiting list for a space  
19 at the Renaissance day care. I used to go there. I see  
20 the program that they are offering. It's my opinion that  
21 the French language program at an early age is working.  
22 So, I choose that my niece should go there to be -- to  
23 learn more. I appreciate the after-school activities like  
24 painting, music. And they are great because they are  
25 learning their language and they are able to understand

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1 their grandparents sometimes at home speaking only French.

2           So, if we don't have that connection, they will  
3 be unable to speak with their parent at home. They will  
4 be unable to understand their grandma or their grandpa at  
5 home. And, you know, sometimes kids are bored. They want  
6 -- they have too much energy and they need a place like  
7 that to go there and share with others with whom, back  
8 home -- home country -- I appreciate it.

9           I went to the concert -- I went to the cultural  
10 events that the Renaissance Center organize for cultural  
11 integration. Not only for Africans, but Latinos,  
12 Americans. It try to connect the kids to make them  
13 understand where they are, but, I think, about where they  
14 came from and that connection is good.

15           So, to go to the Renaissance day care I don't  
16 need to walk. I have a parking permit, Zone 4, on my car,  
17 but I need -- I need to walk there because it's like 500  
18 feet from the Second Street. So, I don't need a car to go  
19 there, but I have the parking permit to park there. And  
20 since I'm going there, I didn't find any issue with the  
21 parking because I used to walk there, I used to take my  
22 car past there and go to the -- and take the bus. I don't  
23 find any issue with the parking.

24           And I will ask the neighbors -- I'm a part of  
25 the neighborhood, but I didn't attend those meetings

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1 because I'm not aware, but I would ask them not only to  
2 file a complaint, maybe they can give some suggestions so  
3 that a neighbor who can be -- can be satisfied with the  
4 presence of the day care in that area.

5 So, that is my testimony. So, I want you to  
6 approve this project. Thank you.

7 VICE CHAIRPERSON HART: Thank you very much.

8 Are there any questions for Mr. Tchameu?

9 (Pause.)

10 VICE CHAIRPERSON HART: Seeing no questions, Mr.

11 --

12 MEMBER JOHN: One quick question.

13 VICE CHAIRPERSON HART: Oh, yes. Please.

14 MEMBER JOHN: Are you familiar with the bus  
15 service that's close to the school?

16 MR. TCHAMEU: I'm familiar with the bus service.

17 MEMBER JOHN: Okay.

18 MR. TCHAMEU: I'm familiar with the -- I use my  
19 car, but I say that when I'm going there, I'm walking  
20 because I'm at the Second Street behind Walmart Super  
21 Center. So, I just climb and reach there. Maybe three  
22 blocks just climbing at Third Street. So, I'm at the  
23 intersection of the Second Street and the Third Street  
24 where they are located. I don't need a car to go there.

25 MEMBER JOHN: So, is that the Walmart that's

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1 also on Georgia Avenue, the main entrance, I believe, on  
2 the side street?

3 MR. TCHAMEU: No. I'm talking about the Walmart  
4 at Riggs Road.

5 MEMBER JOHN: Okay.

6 MR. TCHAMEU: So, the Third Street is behind the  
7 Walmart and the Second Street is behind the Walmart.

8 MEMBER JOHN: Okay.

9 MR. TCHAMEU: It is on the Second Street.

10 MEMBER JOHN: Thank you.

11 MR. TCHAMEU: Thank you, ma'am.

12 MS. BROOKS: I have a question.

13 VICE CHAIRPERSON HART: I was looking for Mr.  
14 Davis, but I don't see him. So, ANC Commissioner Brooks?

15 MS. BROOKS: Yes. Did I hear you say that you  
16 have a residential parking permit, but you drive there and  
17 then park and catch the bus? Is that what I heard you  
18 say?

19 MR. TCHAMEU: I said that to go to Renaissance  
20 day care I don't need my car. I don't need -- I walk and  
21 go there.

22 MS. BROOKS: Alright.

23 MR. TCHAMEU: But I say that for residential, I  
24 have the same residential zone parking. So, I have the  
25 right to park there, but I don't see any issues there.

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1 MS. BROOKS: Uh-huh. But that's today and not  
2 if the numbers increase.

3 MR. TCHAMEU: Alright, ma'am. That's what I  
4 say. If the number -- if today you don't have any issues  
5 and they want to increase 11 people, what issue you  
6 expected and how can you have the community to feel safe  
7 while they are increasing?

8 Can you have some suggestions? That what I'm  
9 asking because the suggestion can also help.

10 VICE CHAIRPERSON HART: Well, Mr. Tchameu, I  
11 appreciate the question. I think it's the applicant that  
12 has to describe how they're trying to meet this. It's not  
13 up to ANC Commissioner Brooks to, you know, opine on that,  
14 but I appreciate the question. ANC Commissioner, do you  
15 have any other questions?

16 MS. BROOKS: No, that was it.

17 VICE CHAIRPERSON HART: Thank you. So, we're  
18 going to go to -- thank you, Mr. Tchameu.

19 MR. TCHAMEU: You're welcome.

20 VICE CHAIRPERSON HART: We're going to go to  
21 Debora Ngongang.

22 MS. NGONGANG: Yes.

23 VICE CHAIRPERSON HART: Again, apologies for the  
24 name.

25 MS. NGONGANG: Yes, I'm here.

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1 VICE CHAIRPERSON HART: Yes. Welcome. If you  
2 could, give your name, address, and you have three minutes  
3 to give your testimony.

4 MS. NGONGANG: Yes. My name is Debora Ngongang.  
5 My address is 3111 35th Street, NE, Washington, D.C.,  
6 20018.

7 VICE CHAIRPERSON HART: Go ahead.

8 MS. NGONGANG: Yes. My testimony is that I've  
9 been knowing Elisabeth Hando for a very long time and my  
10 kids started at that day care, but I was on the -- what  
11 you call -- I was on the list -- a waiting list because  
12 her list is always -- she's always full. So, finally we  
13 didn't go there. We went to Home Away From Home. But  
14 after that, I sent a lot of friends that took their kids  
15 in there.

16 She is very -- that lady, I don't know her  
17 personally. She's not a friend. She's just somebody that  
18 I work with in different, different area because she even  
19 take care of kids with special needs. And she is very  
20 compassion and all she ask is to have the community, and  
21 that's what I know her for. She is very helpful. And if  
22 the day care is to be up, I guarantee you a lot of  
23 families will be very happy because that's who she is and  
24 that's what she do, taking care of people. And she have a  
25 lot of -- what you call -- kids with special needs.

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1 VICE CHAIRPERSON HART: Okay. Thank you very  
2 much.

3 Do the board members have any questions for the  
4 testimony?

5 (Pause.)

6 VICE CHAIRPERSON HART: I still seem -- Mr.  
7 Young, do we not have Mr. Davis anymore or is he just in  
8 some other location? Is he in the waiting area?

9 (Pause.)

10 VICE CHAIRPERSON HART: ANC Commissioner  
11 Brooks, do you have any questions for this testimony?

12 MS. BROOKS: No questions.

13 VICE CHAIRPERSON HART: Okay. So, I do see Mr.  
14 Davis.

15 Mr. Davis, do you have any questions?

16 MR. DAVIS: No, I don't have any questions. I  
17 could hear you, but we were muted for a while.

18 VICE CHAIRPERSON HART: Yeah. Yeah. I see you  
19 now, so that's good.

20 MR. DAVIS: But, yes, I listened to everything  
21 and I have no questions.

22 VICE CHAIRPERSON HART: Thank you. And thank  
23 you, Ms. Ngongang. Thank you very much. Now, we're going  
24 to move to Laurentine Nono. Welcome. And you're muted  
25 right now.

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1 (Pause.)

2 MS. NONO: Hello.

3 VICE CHAIRPERSON HART: Yes. We can hear you.

4 MS. NONO: Yes. My name is Laurentine Nono. I  
5 live in 1324 Upshur, NW. I'm closer to the -- I have,  
6 like, four school around me. The more closer one is the  
7 Powell school. The library is on the corner. My child go  
8 to Ms. Elisabeth Hando and I'm really satisfied. I'm  
9 really a little concerned about the parking problem.

10 I don't understand why 20 kid will create a  
11 traffic on the whole -- on that place. I'm living where  
12 by Powell school where we have more than 300 children.  
13 They have a pre-K around me here. We don't get that  
14 noise.

15 I don't really complain about the traffic. We  
16 have -- we can have traffic of the children. They drop  
17 the children and -- the parent can drop their kid. And  
18 when they come back, they pick their children and they go.  
19 We don't really have traffic.

20 So, this is a little of my concern. Why do we  
21 have to say the center cannot expand because of the  
22 traffic problem?

23 I live here, but I have four school around me,  
24 but we don't really complain. Thank you.

25 VICE CHAIRPERSON HART: Okay. Thank you very

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1 much.

2 MS. NONO: Uh-huh.

3 VICE CHAIRPERSON HART: Board members, do you  
4 have any questions for Ms. Nono? No?

5 Mr. Davis, do you have any questions for Ms.  
6 Nono?

7 MR. DAVIS: No, we don't.

8 VICE CHAIRPERSON HART: ANC Commissioner Brooks,  
9 do you have any questions for Ms. Nono?

10 MS. BROOKS: Yes, I do.

11 VICE CHAIRPERSON HART: Sure.

12 MS. BROOKS: So, Ms. Nono, you said you don't  
13 live in the neighborhood. Have you not --

14 MS. NONO: I live there.

15 MS. BROOKS: Go ahead. You live near Upshur  
16 Street, which is not in this --

17 MS. NONO: Yes.

18 MS. BROOKS: -- neighborhood, correct? Okay.  
19 So, I'm assuming, then, you don't walk. Do you catch the  
20 Metro or the bus?

21 MS. NONO: I do. I work for the Walter Reed.

22 MS. BROOKS: Uh-huh.

23 MS. NONO: I don't drive to go to work. I --

24 MS. BROOKS: So, you don't have a child in the  
25 center -- I'm sorry.

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1 MS. NONO: Excuse me, ma'am?

2 MS. BROOKS: You don't have a child in the  
3 center currently? I'm trying to make sure I'm clear.

4 MS. NONO: Say it again?

5 MS. BROOKS: Do you have a child at the center,  
6 at the day care currently?

7 MS. NONO: Yes.

8 MS. BROOKS: Okay. And so, you -- did you say,  
9 then, that you drive or catch the bus or the metro there?  
10 Which one do you --

11 MS. NONO: I catch the bus and I catch the  
12 metro. I work --

13 MS. BROOKS: Okay.

14 MS. NONO: -- in the military in Bethesda. I  
15 don't park.

16 MS. BROOKS: Okay. So, my understanding is from  
17 residents that have brought this to my attention, is that  
18 neighbors -- I'm sorry, that parents that are picking up  
19 park -- double park on Third Street, which creates traffic  
20 problems.

21 And so, you're suggesting that that does not  
22 happen and that shouldn't be a concern?

23 MS. NONO: I took my child with my car and I  
24 park my car home and then go to work. But any time --  
25 every time I drop my child there, I never see the traffic.

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1 And I'm trying just to compare the 20 -- you got about 20  
2 kids. That mean 20 parents will drop their children.

3 Me, I live in an area where we have more than  
4 600 children around me. I'm closer to the school, to  
5 three schools, but we don't complain.

6 MS. BROOKS: That's your choice, right?

7 MS. NONO: That's not supposed to be an issue.  
8 It's 20 kids. It's not 300 or 400.

9 VICE CHAIRPERSON HART: Okay. So, if I could  
10 interject here, the question was whether or not Ms. Nono  
11 actually drove there. I think sometimes she may drive  
12 there, sometimes she takes the bus there.

13 MS. NONO: I've got the baby all the time with  
14 the -- with my car.

15 VICE CHAIRPERSON HART: Okay. Well, that's  
16 fine.

17 MS. NONO: Yeah.

18 VICE CHAIRPERSON HART: She also alluded that  
19 there was -- that she lives in an area that has a number  
20 of schools and evidently they may not complain about it,  
21 but you're right that that is her choice to do that. And  
22 from what the ANC Commissioner is saying is that they  
23 don't necessarily want to have that additional traffic and  
24 that's their right to do that.

25 So, are there any other questions, Ms. Brooks?

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1 MS. BROOKS: No.

2 VICE CHAIRPERSON HART: Okay. So, that goes --  
3 I think that is all of the -- the testimony in support.  
4 We can now, if you could, Mr. Young, move to the  
5 opposition -- testimony in opposition. It looks like we  
6 have six people, and I'll read their names off. Anita  
7 Purvis, Rabihah Mateen, Patrice Richardson.

8 And I'll stop at Janet McCormick so -- I'm not  
9 sure how many we can have on the screen at one time. And  
10 then I'll call the last two after that.

11 So, first, we have -- if I can see who --

12 MR. YOUNG: I know two of them are on the phone.  
13 Anita Purvis is calling in.

14 VICE CHAIRPERSON HART: Okay. If you could do  
15 Anita Purvis first, please. You said she's calling in?

16 MR. YOUNG: Yes. She should be able to speak  
17 now.

18 VICE CHAIRPERSON HART: Ms. Purvis?

19 MS. PURVIS: Yes.

20 VICE CHAIRPERSON HART: Hi.

21 MS. PURVIS: Can you guys hear me okay?

22 VICE CHAIRPERSON HART: Yes, we can hear you.  
23 If you could --

24 MS. PURVIS: Hello.

25 VICE CHAIRPERSON HART: Yes, we can hear you.

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1 If you could --

2 MS. PURVIS: Okay.

3 VICE CHAIRPERSON HART: -- give us your name  
4 and your address, and then you'll have three minutes to  
5 give your testimony.

6 MS. PURVIS: Sure. My name is Anita Purvis. My  
7 current address is 6113 Third Street, NE, Washington, D.C.  
8 20011. I am presently located right across the street  
9 from the day care, the Renaissance.

10 VICE CHAIRPERSON HART: Okay.

11 MS. PURVIS: I'm also the president of the  
12 Citizens Aware Association here, which is a block of  
13 Lamond Riggs Association. I certainly live within 100 --  
14 I'm sorry, I certainly live within 200 feet of the day  
15 care center. I am testifying today to the BZA 20186 as  
16 opposing. I am opposing the waiver, at this time, for  
17 parking. I am opposing the waiver, at this time, for the  
18 side and the rear space of the day care center.

19 I have submitted a personal letter to the Board  
20 of Zoning on the behalf of myself as well as the overall  
21 of the organization, Citizens Aware, opposing this project  
22 highly.

23 The numbers are -- Not only will you hear my  
24 testify, but so many other high numbers testifying from  
25 the community there's always been an issue over there with

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1 parking. Parking has been a strong concern of ours  
2 because going to work and coming home you have the parents  
3 who continue to double park, block in the driveways, and  
4 it became very difficult for the residents who live here.  
5 A lot of times incidents would break out in -- a  
6 disturbance would break out because of these issues with  
7 parents on the inside and refusing to come out in a timely  
8 manner holding up traffic.

9           Quackenbos Street is a narrow street and  
10 there's homes on both sides of those streets from the  
11 block from New Hampshire Avenue to the second block that  
12 crosses over Third Street. So, there's constant traffic  
13 coming on Quackenbos.

14           Also Third Street, the adjoining street,  
15 there's major traffic now that since a few years ago we've  
16 opened up commercial maybe a mile down. So, we get a lot  
17 of traffic from that area. So, we're becoming high in  
18 traffic here. We're really concerned about that waiver of  
19 that parking space for that facility even though we do not  
20 approve, at any means, that facility that's trying to be  
21 expanded with the size.

22           We don't have any single-family homes here that  
23 that's high up in height. We don't have any single-family  
24 homes here that expand as far back on the property line.  
25 I presently live next door to abandoned property that

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1 tried to build the same similar project that Ms. Hando is  
2 trying to build over there and, believe me, it stopped in  
3 the middle of this building.

4           The government had to stop it because documents  
5 were falsified and certain information was not submitted  
6 down to DCRA. So, the project stopped five years ago.

7           And if you see this eyesore, it is horrible and  
8 I've been dealing with this. I am within eight feet, from  
9 this huge project that's unfinished. It is hazardous now.  
10 It's a terrible hazardous and I'm still fighting with the  
11 city to condemn. We did just get the word within a week  
12 ago they are going to tear it down, but we're -- this is  
13 why I'm always so loud about this upcoming project with  
14 the day care.

15           This community does not have that. We have 90  
16 percent of senior citizens that live here. The -- maybe  
17 15 or 10 percent are working residents. I mean, it is a  
18 small community, not a real large one, and we don't have  
19 commercial within the vicinities up here. These are  
20 private, single-family homes and our families invest into  
21 these homes, some of them, 50, 60 years ago. And we  
22 looking at another 30, 40, 50 years more to come with our  
23 children.

24           VICE CHAIRPERSON HART: Ms. Purvis --

25           MS. PURVIS: Yes.

1 VICE CHAIRPERSON HART: -- you have had your  
2 three minutes for your testimony and I just wanted to see  
3 if you were --

4 MS. PURVIS: Thank you.

5 VICE CHAIRPERSON HART: Okay. Thank you very  
6 much.

7 Mr. Davis, do you have any questions for Ms.  
8 Purvis?

9 MR. DAVIS: Yes. Ms. Purvis, what does the  
10 condemned structure across the street have to do with Ms.  
11 Hando's project? Is there any relation?

12 MS. PURVIS: What it have to do with -- what --  
13 you're asking me what does that project have to do with  
14 the --

15 MR. DAVIS: You brought up a project that you  
16 have opposed for five years and --

17 MS. PURVIS: The project --

18 MR. DAVIS: What does it have to do with the  
19 Hando project?

20 MS. PURVIS: It is -- it is similar based on the  
21 center that she's trying to have developed there. She's  
22 just on --

23 MR. DAVIS: But is it connected?

24 MS. PURVIS: -- the very corner --

25 MR. DAVID: Does Ms. Hando have any connection

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1 to that project?

2 VICE CHAIRPERSON HART: Mr. Davis -- Mr. Davis -  
3 -

4 MS. PURVIS: No.

5 VICE CHAIRPERSON HART: -- when we ask a  
6 question, it would just -- it would be helpful to hear the  
7 full response from --

8 MR. DAVIS: Okay. Thank you.

9 VICE CHAIRPERSON HART: -- Ms. Purvis.

10 MS. PURVIS: Thank you.

11 MR. DAVIS: Okay.

12 MS. PURVIS: What I'm stating here is that this  
13 condemned property that lies next door to me is similar to  
14 what Ms. Hando is trying to do with her property there.

15 She has a corner house that sits so close to  
16 the --

17 MR. DAVIS: Okay.

18 MS. PURVIS: -- curb and the main street.  
19 She's on the very corner and it -- I don't know if you got  
20 to look at that structure that she's proposing. It is way  
21 out of ordinary for this community.

22 MR. DAVIS: Thank you, Ms. Purvis.

23 MS. PURVIS: And, not to mention, there is no  
24 longer -- they are no longer going to reside there. It's  
25 going to become a business, solely business, considered

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1 more as a commercial. That's going to become a day care  
2 center.

3 MR. DAVIS: Okay. I have one follow-up  
4 question. I have one follow-up question.

5 VICE CHAIRPERSON HART: Sure. Sure.

6 MR. DAVIS: You also mentioned that (audio  
7 interference) senior citizens. Do you have any --

8 VICE CHAIRPERSON HART: You're going in and out,  
9 Mr. Davis. Can you restate the question, please, Mr.  
10 Davis?

11 MR. DAVIS: Yeah. You mentioned that the  
12 neighborhood is 90 percent senior citizens.

13 Do you have any kids in your home? And if you  
14 do, how many?

15 MS. PURVIS: Well, I don't have any kids that  
16 reside here in my home. I have four grandchildren who do  
17 visit from time to time, but, no, I don't have any small  
18 children that lives here in the home.

19 MR. DAVIS: And how do you know that the  
20 neighborhood is 90 percent seniors?

21 MS. PURVIS: Again, I sit on the committee here,  
22 Citizens Aware. I am close-knitted with the community  
23 after moving here seven years ago. We do functions, we do  
24 events throughout the summer months and there's not one --  
25 one home at all that I'm not familiar with or who lives in

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1 these homes.

2 MR. DAVIS: Okay. So, how will 20 parents  
3 dropping off their kids every day and picking them up  
4 affect this 90 percent of senior citizens you tell us  
5 about?

6 MS. PURVIS: Well, it's just not the 90 percent  
7 of senior citizens. I'm thinking about -- I'm considering  
8 the other ten of us who have to go to work and come home  
9 as well. In the past when they were running that day care  
10 with just the number of nine children -- anywhere from 9  
11 to 12, there was, I mean, great disturbance. Great  
12 disturbance. Not to mention, just within her block of  
13 Quackenbos -- let me see -- there's about three, six,  
14 seven, eight, nine -- maybe nine homes in that -- on that  
15 block, but you wouldn't believe the disturbance that -- a  
16 lot of times I had to walk up because you could hear these  
17 loud noise and arguments going on.

18 And it was the residents who live there just  
19 trying to get into their driveways or come out in the  
20 mornings and being blocked. And, I mean, we had a lot of  
21 rudeness going on.

22 VICE CHAIRPERSON HART: Okay. I think I  
23 understand that. So, there was some issues that were  
24 arising from some double parking and Ms. Purvis is  
25 attributing that to the applicant in terms of folks

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1 driving -- parents dropping off and picking up the kids.

2 MS. PURVIS: Absolutely. And I think it's only  
3 going to get worse.

4 VICE CHAIRPERSON HART: Mr. Davis, any follow-up  
5 questions?

6 MR. DAVIS: I do, but I will rest here. No more  
7 questions.

8 VICE CHAIRPERSON HART: Thank you.

9 Commissioner Brooks?

10 MS. BROOKS: Yes. So, Ms. Purvis, you said you  
11 represent Citizens Aware?

12 MS. PURVIS: Yes.

13 MS. BROOKS: Ms. Purvis?

14 MS. PURVIS: Yes, I'm here.

15 MS. BROOKS: Are the members of Citizens Aware  
16 in support of the project?

17 MS. PURVIS: No. Absolutely not. Every member  
18 is -- in the Citizens Awareness meeting oppose this  
19 project. There's not one single support from the members  
20 of the organization.

21 MS. BROOKS: Is the lack of support based on the  
22 quality of the program or based on the change of 20  
23 students, which then allows the change in the structure?

24 MS. PURVIS: I think they oppose mainly coming  
25 from the background in the past watching the day care --

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1 the safety -- real strong safety concerns. There's  
2 concrete out there that's been there for years -- more  
3 than seven years. I moved here seven years ago. There's  
4 broken equipment out there, I mean, you wouldn't have any  
5 children to play on. Just the pickup in the locations in  
6 the morning are so dangerous.

7 I witnessed myself a two-year-old standing out  
8 there for maybe 15 minutes screaming one day after  
9 contacting the owner by phone who stated she was traveling  
10 to Florida, but she immediately called the day care to  
11 say, let that child inside that unit. It's just been so  
12 many different times where incidents have broke out in  
13 that -- and, I mean, the neighbors are complaining  
14 extremely. So, that's why they oppose any --

15 VICE CHAIRPERSON HART: Excuse me for a second.  
16 I understand that there are a lot of kind of concerns  
17 about various things that are going on. This is not  
18 necessarily the venue for kind of talking about all of  
19 that.

20 MS. PURVIS: Yes, sir.

21 VICE CHAIRPERSON HART: We're trying to focus on  
22 the particular issues with regard to this. I understand,  
23 Commissioner Brooks, that you're trying to get some  
24 clarity around certain issues and I'm just trying to focus  
25 the conversation.

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1           We have five other people that need to give  
2 testimony for the case and I want to make sure that we  
3 give them time to be able to do that as well, and then we  
4 have five other cases that we need to hear today.

5           MS. PURVIS: Sure.

6           VICE CHAIRPERSON HART: So, I'd like to --

7           MS. PURVIS: Let's give consideration. Thank  
8 you.

9           MS. BROOKS: I can stop right there. I can stop  
10 with that question.

11          VICE CHAIRPERSON HART: Okay.

12          MS. BROOKS: In fact, I need to let you know  
13 just that I need to step away from my computer for just a  
14 moment and I'll be right back.

15          VICE CHAIRPERSON HART: That's fine.

16          MS. PURVIS: Okay.

17          MS. BROOKS: Alright. Thank you.

18          VICE CHAIRPERSON HART: Thank you. So, we have  
19 -- thank you very much, Ms. Purvis.

20                 Are there any other questions from the board  
21 members for Ms. Purvis? No? Okay. Thank you very much,  
22 Ms. Purvis.

23                 The next person that we have is Rabihah Mateen.

24           MS. MATEEN: Yes. Can you hear me?

25           VICE CHAIRPERSON HART: Yes. Thank you.

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1 MS. MATEEN: Thank you, board members, for  
2 enabling us to provide our points of view. My name is  
3 Rabiha Mateen. I reside at 6117 Third Street, NE, and --  
4 which is just across from Ms. Purvis and about a half a  
5 block away from the property in question.

6 What I would like to say is that I also oppose  
7 this. I'm a member of Citizens Aware Block Association of  
8 Lamond Riggs as well. I resided in this area -- in this  
9 property since 1993.

10 In the spirit of being a good neighbor and of  
11 community, when Ms. Hando first related to us that she  
12 would be operating a small home-based business from her  
13 residence, the block association was assured by her that  
14 the number of students was insignificant and that it would  
15 not interfere with the character of the neighborhood, and  
16 that the address in question would be primarily used as a  
17 residence.

18 Over the years, the enterprise has grown such  
19 that now the petitioners want to change the character of  
20 this neighborhood and -- with the structural additions and  
21 additional students and now exceptions to the -- to the  
22 statutes. And this has not been something that has been  
23 appropriately vetted with community members so that we can  
24 address any mitigating circumstances or whatever relief is  
25 needed.

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1           In terms of the issue of parking, I can  
2 definitely say that that has been an ongoing issue even  
3 prior to the Renaissance facility and that, at this point,  
4 it has not been addressed in what we have seen thus far.  
5 It does not mean because there is public transportation  
6 available, which -- that people will actually -- that the  
7 additional parents and students will actually be using  
8 that. So, there's no guarantee to say that, you know,  
9 that that is not -- that does not address the parking  
10 issue to say that there is public transportation  
11 available.

12           So, I don't really see how community issues  
13 have not -- have been either vetted, responded to or  
14 proceeded with in a manner in which it should be. So,  
15 this is not a reflection on either Ms. Hando's character  
16 or the qualifications of the school, but it is not  
17 something that was our original understanding.

18           This has now morphed into, you know, a slippery  
19 slope and it's a bad precedent, I believe, in terms of  
20 other businesses that want to become a part of this  
21 neighborhood particularly since in the -- with the -- and  
22 I'm going to stop. I know -- I can see your lips pursed,  
23 but it's just the issue of this not being -- it's no  
24 longer a dwelling. So, that really -- that's even much  
25 more of an issue because that was our original

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1 understanding.

2           So, with that, my letter is in for the record  
3 and I do thank you for the opportunity.

4           VICE CHAIRPERSON HART: Thank you very much. Do  
5 the board members have any questions for Ms. Mateen?

6           (Pause.)

7           VICE CHAIRPERSON HART: Mr. Davis, do you have  
8 any questions for Ms. Mateen?

9           MR. DAVIS: Yes. She mentioned about other  
10 businesses moving into the neighborhood. Ms. Mateen, do  
11 you oppose all businesses moving into the neighborhood?

12           MS. MATEEN: The issue, as I mentioned, was not  
13 whether I do or don't oppose. What my personal views are  
14 in terms of business is not relevant to this particular  
15 case. What we're talking about is the exceptions -- the  
16 application for this exception. And what I'm saying is I  
17 oppose it because it has not been adequately vetted with  
18 the members of this community.

19           MR. DAVIS: How do you propose, besides going to  
20 an ANC meeting, that this become vetted with the  
21 community?

22           If Ms. Hando has a right by -- right by law,  
23 the right to open a business, why do you think you have to  
24 have a veto?

25           MS. MATEEN: I think your question is really not

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1 on point. The issue here is not whether I am in favor or  
2 not in favor of the business. As I mentioned before, what  
3 -- when she originally came to Citizens Aware, and she did  
4 come, that is a vehicle by which -- as we are a block  
5 association and which that address falls within that  
6 jurisdiction, when she originally asked us, again, it was  
7 with the understanding that someone would be dwelling in -  
8 - it would be used primarily as a residence.

9           And this has been going on a slippery slope in  
10 the evolution of it without it being properly vetted.  
11 That's what the issue is here.

12           MR. DAVIS: So, you just want it to not be in  
13 your backyard. Okay. Thank you.

14           VICE CHAIRPERSON HART: Commissioner Brooks, do  
15 you have any questions for Ms. Mateen?

16           MS. BROOKS: No. I had to step away, so it  
17 would be unfair for me to question her at this point. I  
18 didn't hear all of her testimony and I apologize.

19           VICE CHAIRPERSON HART: Alright.

20           MEMBER JOHN: Mr. Vice Chair --

21           VICE CHAIRPERSON HART: Yes.

22           MEMBER JOHN: -- I have a quick question.

23           Ms. Mateen, did you attend any of the ANC  
24 meetings? I believe there was one where the ANC took a  
25 vote early on and approved the application to add 11

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1 students to bring the total number to 20 students. Were  
2 you at that meeting?

3 MS. MATEEN: Actually, I've been overseas and I  
4 returned about a year ago. So, I was at one meeting in  
5 March -- February/March before COVID-19. So, it would be  
6 unfair for me to say that I -- I was originally here in  
7 2013 when the association agreed, in principle, to the  
8 foregoing, which I just gave testimony to.

9 And that was on the understanding that it --  
10 there would be -- they would dwell in the residence and  
11 use, you know, have a small home-based business. No one  
12 is against that. But what we object to is the manner in  
13 which this has morphed and without proper vetting with  
14 members of the community. But to answer your question,  
15 no, I was -- I was at, I believe, a February/March  
16 meeting, not -- but -- and I think we all -- we didn't  
17 vote, per se, from what I understand, and maybe some of  
18 the other members can correct me, but this was prior to  
19 COVID. We had one meeting in which I did attend. And --

20 MEMBER JOHN: Okay.

21 MS. MATEEN: Yeah.

22 MEMBER JOHN: Didn't mean to cut you off. Just  
23 wanted to say thank you.

24 MS. MATEEN: You're welcome.

25 VICE CHAIRPERSON HART: Okay. Thank you very

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1 much, Ms. Mateen. We will move to our next person who is  
2 Ms. Patrice Richardson. Welcome.

3 MS. RICHARDSON: Hello. Can everyone hear me?

4 VICE CHAIRPERSON HART: Yes.

5 MS. RICHARDSON: Okay. Good morning, Commission  
6 -- well, now, it's good afternoon, Commission Members. My  
7 name is Patrice Richardson. I live at 236 Quackenbos  
8 Street, NE, next door to the property that we are  
9 discussing now.

10 I ask your assistance in maintaining the  
11 history of this quiet, residential neighborhood since the  
12 1930s. In fact, my parents raised my brother and I in  
13 this home. I raised my three children in this same home  
14 because of the quiet-type family residential life.

15 The neighborhood has been zoned quiet  
16 residential and I ask your vote to keep this neighborhood  
17 zoned residential quiet.

18 The proposed exemptions and zone changes will  
19 be inconsistent and the largest structure of the entire  
20 neighborhood on this single-family lot.

21 The letters of support are not from locations  
22 close to the subject property. In fact, three blocks or  
23 more away.

24 The revised letter by the petitioner is false  
25 for us to believe going from 9 kids to 20 will not

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1 increase the traffic and parking issues.

2           Note, we do not have an alley on this side of  
3 the street. We already have a traffic problem prior to  
4 this petitioner moving into this residential neighborhood.

5           As a result, we petitioned and were awarded  
6 traffic calming devices, speed bumps and "Do not enter"  
7 limitations.

8           I take offense that there will be no further  
9 impact to traffic, structural or aesthetics. There are  
10 several blighted commercial properties that can be used  
11 within a one-mile or less radius of this property.

12           We are not in a commercial zone and my family  
13 and I do not want to have a business zone dwelling next to  
14 our property.

15           The petitioner already owns and operates a  
16 child care center in a commercial zone approximately three  
17 miles or less from this current location, 2103 Rhode  
18 Island Avenue, NE, and another commercial business located  
19 on Georgia Avenue and Tuckerman Street, NW. I agree with  
20 the availability of childcare; however, located in an  
21 existing commercial zoned area.

22           I invite the Commission to come see this quiet  
23 neighborhood to see how offensive this structure will be  
24 to the current residential structures.

25           The petitioner has misrepresented the size and

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1 scope of this structure and we do not want any variances  
2 that will locate this structure closer to our property.

3 My lot is 1,000 feet greater than the  
4 petitioner's lot and they are requesting to build a  
5 structure that will not complement the lot size and  
6 structure of the property or existing neighborhood  
7 structure.

8 I want to recap. I am in opposition of Case  
9 20186 for the following reason: The potential for noise in  
10 the daytime, retired community and residents that are  
11 aging in their homes.

12 My father lives here, who is 91 years old.  
13 Limited parking for older and disabled residents may be  
14 forced to park further away from their homes.

15 Space and safety for children and special needs  
16 children or adults to play safely on an environmental-safe  
17 playground. Environmental impacts a lot and property  
18 complements will not be met.

19 Trash collection and increased rodent issue,  
20 building too close to my property, nonresidential life and  
21 future blighted property, the appraisal value.

22 The petitioner's burden of proof is not logical  
23 and will decrease our values and the structure is  
24 inappropriate for this area. Tax implications for all of  
25 us.

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1           Child care is necessary in this area as we have  
2 plenty of options. The development center should not be -  
3 - should be located in southeast or southwest where there  
4 is a limitation of childcare services.

5           In closing, the owners are asking for an  
6 exemption and not live in this dwelling, leaving the  
7 residents with the burden of this business entity rather  
8 than a residential quiet zone.

9           With all the blighted properties in this area,  
10 there is no need to allow this exemption or zoning change  
11 that is inconsistent with the building structures of this  
12 neighborhood.

13           This structure current drawing should be  
14 consistent in land and property, shall complement the lot  
15 and the residential area.

16           Thank you for all of your attention and I look  
17 forward to your gracious and understanding of our  
18 position. Thank you.

19           VICE CHAIRPERSON HART: Thank you.

20           Mr. Davis, do you have any questions -- does  
21 the board have any questions for -- there's feedback I'm  
22 getting.

23           MR. DAVIS: No, I don't have any questions for  
24 her.

25           VICE CHAIRPERSON HART: Okay. Thank you very

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1 much, Mr. Davis.

2 Commissioner Brooks, do you have any questions  
3 for the applicant -- or for the testimony?

4 MS. BROOKS: I do. I have just a few questions.

5 Ms. Richardson, how many houses are on the  
6 block?

7 MS. RICHARDSON: On this short side of  
8 Quackenbos there are six before the alley and three, four  
9 on the other side of the alley closer to New Hampshire  
10 Avenue.

11 MS. BROOKS: And does everyone own a -- and, to  
12 the best of your knowledge, does everyone own a vehicle  
13 and park in front of their home on a daily basis?

14 MS. RICHARDSON: Yes, except one resident, but  
15 she has -- yeah, just one. She doesn't have a car. Just  
16 one. Everyone else does.

17 MS. BROOKS: Okay. Have you ever experienced a  
18 problem parking when you get home from work in the current  
19 scenario?

20 MS. RICHARDSON: Current, past and present.

21 MS. BROOKS: So, you would say parking with the  
22 current number of 9 or 12 students is a problem now let  
23 alone moving to 20?

24 MS. RICHARDSON: Correct.

25 MS. BROOKS: Thank you.

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1 VICE CHAIRPERSON HART: Thank you. And thank  
2 you very much, Ms. Richardson.

3 We'll next move to Ms. McCormick. Mr. Young,  
4 did she call in or did I not call her?

5 MR. YOUNG: We do not have her on the line. I  
6 think Mr. Reed (phonetic) from the Office of Zoning  
7 reached out to her and could not get a hold of her.

8 VICE CHAIRPERSON HART: Okay. That's fine. We  
9 can move on. So, we'll go to Pamela Griffin -- excuse me,  
10 Pamela Robinson Griffin and Mr. James Thomas.

11 They're the last two people that I have on my  
12 list and they are in opposition to the case.

13 MR. YOUNG: We also have the other ANC member  
14 who was calling in.

15 VICE CHAIRPERSON HART: Okay. You can actually  
16 add them on then, too.

17 MR. YOUNG: The ANC commissioner is calling in.  
18 So, she's -- I'll just unmute her when you guys want to  
19 hear from her.

20 VICE CHAIRPERSON HART: Okay. Thank you. So,  
21 we should hear from Ms. Griffin. If you could unmute and  
22 -- good afternoon.

23 (Pause.)

24 VICE CHAIRPERSON HART: I still can't hear you  
25 if you are -- I'm still not hearing anything.

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1 (Pause.)

2 VICE CHAIRPERSON HART: I can see that she's on,  
3 but it's -- I don't hear -- I don't know. Did anyone else  
4 hear anything? Okay.

5 MS. GRIFFIN: No, you can't hear me. I cannot  
6 get in.

7 VICE CHAIRPERSON HART: I can hear you now.

8 MS. GRIFFIN: You can hear me now?

9 VICE CHAIRPERSON HART: Yes.

10 MS. GRIFFIN: Okay. I can't -- I'm talking on  
11 the phone, but I'm looking at you on my iPad because --

12 VICE CHAIRPERSON HART: Okay.

13 MS. GRIFFIN: -- I cannot get -- I cannot talk  
14 to you on my iPad for some reason.

15 VICE CHAIRPERSON HART: And your --

16 MS. GRIFFIN: Okay. I'm Ms. Pamela Robinson  
17 Griffin. I live at 6119 New Hampshire Avenue.

18 VICE CHAIRPERSON HART: Okay.

19 MS. GRIFFIN: The back of my home is on Third  
20 Street, which is where my driveway enters and where I  
21 enter into my house.

22 There is one house in between mine and the  
23 proposed center.

24 VICE CHAIRPERSON HART: Thank you.

25 MS. GRIFFIN: Okay.

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1 VICE CHAIRPERSON HART: You have three minutes.

2 MS. GRIFFIN: I did send a letter and I was  
3 very specific to all of the issues. But since you have  
4 allowed the proponents to talk in depth about what goes on  
5 in the day care center, I think that you will allow me  
6 that as well. You did not stop them. So, I don't expect  
7 you to stop me.

8 VICE CHAIRPERSON HART: I didn't hear what you  
9 just said. I'm sorry.

10 MS. GRIFFIN: The proponents of the day care  
11 went at length to talk about what goes on in the day care  
12 and how wonderful it is and how much they learned and you  
13 did not tell them that that was not an issue.

14 VICE CHAIRPERSON HART: They were giving their  
15 testimony. You have three minutes to be able to do that.  
16 That's up to you.

17 MS. GRIFFIN: Okay. So, I will give my  
18 testimony as well, but some other people you have said  
19 that that was not pertinent to them.

20 Okay. One thing I have a concern about is the  
21 backyard, the condition of the yard as it is for the nine  
22 students that are there.

23 Half of it is cemented in. The other half is  
24 ground that has now been made into a garden. I have never  
25 seen children playing in the backyard even though it's of

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1 adequate size.

2           There is playground equipment out there, but  
3 very dated and I can't say if it's broken or not because I  
4 cannot see it that closely, but there are never children  
5 out there playing on it.

6           One time I saw them lead some children down  
7 towards -- you know, they are all holding onto a rope,  
8 which I know is standard for day care, but they were  
9 coming down Third Street, which there is no -- there's no  
10 sidewalk on Third Street. So, they were walking in the  
11 street.

12           I have not seen that lately. Maybe they walked  
13 them on the side where the sidewalk is on Third or on New  
14 Hampshire.

15           I don't know, but I guess that -- that is a  
16 concern of mine for a day care that you never see children  
17 playing in the yard.

18           And another thing that concerned me was after  
19 the meeting that we had that was cancelled at the zoning  
20 board, Ms. Hando told me and two other of our neighbors  
21 that if she did not get this -- if she did not get this  
22 waiver, she would turn her home into a group home and that  
23 would be much worse for the neighborhood. So, I felt  
24 threatened by that statement and it made me even more  
25 determined to question her motives.

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1           Now, she is building this structure, she says,  
2 for 20 students, but the structure is much larger than  
3 what is needed to accommodate 20 students especially if no  
4 one is living there.

5           So, it concerns me that she will go back to  
6 requesting the 43 students once she gets approved for this  
7 building, because that is her pattern of working.

8           She starts with one thing and presents it as  
9 one thing, and then the next thing you know it's moved to  
10 something else.

11           And I just ask the board to have the same  
12 concern for the neighbors that I saw you-all exhibit in  
13 the board meeting that I came to when some people wanted  
14 to put a pet care center in an already business area.

15           And you were very concerned about how thick the  
16 walls were and how high the ceilings were and that it  
17 wouldn't be any noise to those people in that apartment  
18 building above.

19           When the people moved in the apartment  
20 building, they already knew that there were going to be  
21 businesses on the first floor.

22           No one who moved into this neighborhood  
23 expected a business on the corner. So, I just hope that  
24 you would do the same diligence with our complaints as you  
25 did with those people who wanted to put their pet care

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1 business on the first floor of the apartment building.

2 VICE CHAIRPERSON HART: Okay. Thank you very  
3 much for your testimony.

4 Do the board members have any questions for Ms.  
5 Griffin?

6 (Pause.)

7 VICE CHAIRPERSON HART: Mr. Davis, do you have  
8 any questions for Ms. Griffin?

9 MR. DAVIS: Yes, I do actually. One question.

10 VICE CHAIRPERSON HART: Sure.

11 MR. DAVIS: Ms. Griffin, you mentioned about Ms.  
12 Hando saying something about a group home.

13 Wasn't that in response to you saying that --  
14 to her that non-Washingtonians, non-natives who come from  
15 Africa, even though she's a citizen for 20 years, should  
16 not have businesses in this neighborhood?

17 Isn't that why she responded to you?

18 MS. GRIFFIN: No. No. I have never said  
19 anything to her like that. I have never had any --

20 MR. DAVIS: Okay.

21 MS. GRIFFIN: -- prejudice against her being a  
22 nonresident and --

23 MR. DAVIS: Okay. Thank you.

24 VICE CHAIRPERSON HART: Ms. Griffin.

25 (Simultaneous speaking.)

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1 VICE CHAIRPERSON HART: Ms. Griffin -- Mr.  
2 Davis, could we ask questions that have to do with this  
3 particular case?

4 MR. DAVIS: Yes.

5 VICE CHAIRPERSON HART: I understand the  
6 question that she -- I understand what you said, but --

7 MR. DAVIS: Yeah. That was not a question. I  
8 was just responding what the allegation was about, but  
9 thank you.

10 VICE CHAIRPERSON HART: Okay. Thank you.

11 MR. DAVIS: Thank you. No more questions.

12 MS. GRIFFIN: If she says I said that to her,  
13 that is a lie. I have never said that to her and I have  
14 never --

15 VICE CHAIRPERSON HART: Ms. Griffin --

16 MS. GRIFFIN: -- felt that way.

17 VICE CHAIRPERSON HART: Ms. Griffin -- Ms.  
18 Griffin, I understand what he was asking and I understand  
19 that -- I did not think that was an appropriate direction  
20 to go in this hearing. So, that's why I stopped the  
21 question, but I appreciate your response and your calling  
22 in.

23 Commissioner Brooks, do you have any questions  
24 for Ms. Griffin?

25 (Pause.)

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1 VICE CHAIRPERSON HART: We cannot hear you.

2 (Pause.)

3 VICE CHAIRPERSON HART: Commissioner Brooks, are  
4 you there?

5 MEMBER MAY: I think she said something about  
6 stepping away from her --

7 VICE CHAIRPERSON HART: She came back, but --  
8 oh, there she is.

9 Commissioner Brooks, do you have any questions  
10 for Ms. Griffin? Hello? So, I think we can move to Mr.  
11 Thomas.

12 MR. THOMAS: Good afternoon, Commissioners. Can  
13 everyone hear me?

14 VICE CHAIRPERSON HART: Good morning -- good  
15 afternoon, yes.

16 MR. THOMAS: Yes, sir.

17 VICE CHAIRPERSON HART: You'll have three  
18 minutes to give your testimony as well.

19 MR. THOMAS: Okay. And, Commissioner, before I  
20 start, I would like for you to remind everyone that I am  
21 under oath in this testimony.

22 VICE CHAIRPERSON HART: Well, actually everybody  
23 is under oath.

24 MR. THOMAS: Okay. I just want it to be on the  
25 record.

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1 VICE CHAIRPERSON HART: Yeah.

2 MR. THOMAS: I just want it to be on the record  
3 that I am under oath and I know I'm under oath.

4 VICE CHAIRPERSON HART: Okay.

5 MR. THOMAS: My name is James Thomas. I live at  
6 413 Quackenbos Street, NE, Washington, D.C. I've lived  
7 here for 37 years.

8 I have served as -- on multiple boards.  
9 Actually, I was the past president of Citizens Aware,  
10 which is the neighborhood block organization in the area.

11 I also currently serve on the board of the 4D  
12 Citizens Advisory Council for the Metropolitan Police  
13 Department. So, I am very familiar with traffic and  
14 parking issues within the whole Fourth District as a  
15 whole.

16 I would like to bring forth four points that I  
17 really have issue with this project. First, it will  
18 change the look, feel and the quality of the life in this  
19 neighborhood.

20 There are no mega structures in this  
21 neighborhood that serve as commercial businesses -- mega  
22 structures or any structures, really, that serve as  
23 commercial businesses in a home that is intended for a  
24 single-family use.

25 Second, traffic and parking safety. In the

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1 morning, Quackenbos Street, in both directions, whether  
2 you're coming off of Eastern Avenue or New Hampshire  
3 Avenue and Third Street, whether you're coming off of --  
4 when you're coming off of New Hampshire Avenue is Do Not  
5 Enter."

6 I have seen that law violated multiple times.  
7 I have brought that to the attention of the 4D commander,  
8 the different captains we've had assigned to us over the  
9 years, where they have deployed multiple assets of the  
10 Metropolitan Police Department to try to mediate this,  
11 but, as you know, the Metropolitan Police Department  
12 cannot do that all the time.

13 Not only do they violate the Do Not Enter law,  
14 they also speed up the street. That puts seniors at risk  
15 and my young children, which I have two under the age of  
16 12.

17 In reference to parking, one of the other  
18 gentlemen stated about parking where he parks there and  
19 then leaves and goes to catch the bus. That is exactly  
20 what happens. Individuals will drop their kids off and  
21 they will leave and get on the bus.

22 I would also like to draw your attention to  
23 Exhibit 39. As the past president of Citizens Aware, the  
24 petitioner came to a meeting and asked for support in  
25 reference to having her numbers expand from 9 to 20.

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1           At the time that she presented the paperwork,  
2 the above header that is now on the document that is in  
3 the record, a government record, was not on that document  
4 when we signed it.

5           So, it's an altered document, it has nothing in  
6 regards to construction, and I can attest to that being  
7 the past president and actually having my name signed to  
8 that document as well.

9           There is very much a lack of transparency.  
10 This is a moving target. The target has moved quite  
11 quickly back and forth when she said I want to go 40, I  
12 want to do this, I want to not have anyone live in the  
13 home.

14           So, we have asked -- after we signed that  
15 initial letter when she came back to us to ask for 40, we  
16 asked to have our names removed totally from the record,  
17 which she did not do and she placed it in the record, and  
18 she altered documents.

19           That's why I wanted to make sure I was under  
20 oath because that is a fraudulent document that she  
21 presented into evidence.

22           (Pause.)

23           MR. THOMAS: I can't hear you, Commissioner.  
24 You are muted.

25           VICE CHAIRPERSON HART: Now, I got myself doing

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1 it.

2 Are there any questions from the board? Thank  
3 you very much, Mr. Thomas.

4 Yes, Board Member John.

5 MEMBER JOHN: Question. I'm looking at the  
6 exhibit now and your voice was breaking up for a bit. So,  
7 this is a petition of support with a list of signatures.  
8 And the petition is in support of expansion to 20  
9 children.

10 So, are you saying this is incorrect?

11 MR. THOMAS: Commissioner John, what I'm saying  
12 is that when the -- when this petition was brought to us,  
13 the language that states this project involves a change  
14 and so on and so forth and development, the construction  
15 was not on this document.

16 This document has been altered. And I believe  
17 it was altered in such a way where our names were taken  
18 and photocopied on a different document to add this  
19 language to it. This was not there when we signed on to  
20 this letter.

21 So, there was no mention of construction. The  
22 only thing we signed on to, at that time, was to go from 9  
23 to 20.

24 But, as I said, when she came back and asked to  
25 change -- or move her target to 40 or 45, we asked to

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1 totally be removed from any support of the expansion of  
2 the day care center.

3 MEMBER JOHN: Okay. I think I understand you  
4 now.

5 So, you're saying that the part where it says,  
6 changing the use of the existing child development home to  
7 a child development center and construction, that the word  
8 "construction" was not there?

9 MR. THOMAS: I'm saying that -- no, ma'am, Ms.  
10 John.

11 I'm saying that the whole top paragraph --  
12 whole paragraph from this down to the last line, purpose  
13 use -- the "proposed use of the property" was not there.  
14 That was added.

15 MEMBER JOHN: Okay.

16 MR. THOMAS: It was different language that  
17 stated you going from 9 to 20, but this document -- this  
18 language that's currently there was not there when we  
19 signed on to this letter.

20 As I said, I was the president. I was serving  
21 as the president during the time. And my name is -- you  
22 can see is also a signature on this letter.

23 VICE CHAIRPERSON HART: I see it. It's in the  
24 middle of the --

25 MEMBER JOHN: Yeah.

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1 MR. THOMAS: Yeah.

2 MEMBER JOHN: So, just to be clear, you do not  
3 support increasing the number of children to 20, because  
4 that's the only thing we're discussing today. That issue  
5 and the parking. I just want to be sure where you are.

6 MR. THOMAS: No, ma'am, I do not increase --  
7 support -- I do not support the increase based upon the  
8 traffic safety issues it will bring to the neighborhood,  
9 the parking issues it will bring to the neighborhood.

10 And I highlight traffic issues that our  
11 Metropolitan Police Department has not been able to  
12 remedy.

13 MEMBER JOHN: Okay. Thank you.

14 MR. THOMAS: Alright.

15 MEMBER JOHN: That was helpful, uh-huh.

16 VICE CHAIRPERSON HART: Thank you.

17 Mr. Davis, do you have any questions for Mr.  
18 Thomas?

19 MR. DAVIS: No, I don't, but I want to point out  
20 all originals are in the hands of the city.

21 VICE CHAIRPERSON HART: Okay.

22 MR. DAVIS: Thank you.

23 VICE CHAIRPERSON HART: That's not a question,  
24 but okay.

25 MR. DAVIS: Okay. That's what I said. I have

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1 no question. I just wanted to say that --

2 VICE CHAIRPERSON HART: That's fine.

3 MR. DAVIS: -- all original documents are in the  
4 hands of the city.

5 VICE CHAIRPERSON HART: Commissioner Brooks, do  
6 you have any questions for Mr. Thomas?

7 MS. BROOKS: I do.

8 VICE CHAIRPERSON HART: Sure.

9 MS. BROOKS: So, Mr. Thomas, were you present at  
10 the ANC meeting when this was discussed in January of  
11 2019?

12 MR. THOMAS: I was and --

13 MS. BROOKS: Was "construction" a part of the  
14 resolution, the deal, or was it only about increasing the  
15 student body population?

16 MR. THOMAS: It was only about increasing the  
17 student body population. And, at that time, no mention of  
18 the structure had been made and brought to the general  
19 body of the ANC then where the meeting was being held at  
20 the Fourth District Precinct on Georgia Avenue.

21 MS. BROOKS: Were you at the meeting in July of  
22 2019 or did you participate by telephone at that meeting?  
23 I believe you were present, but did you participate in the  
24 meeting in July of 2019 when we discussed whether or not  
25 45 students were a consideration?

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1 MR. THOMAS: I, as well as other members of my  
2 community, were present at the meeting at the Fourth  
3 District police department.

4 MS. BROOKS: Was there a conversation at that  
5 time about construction being a part of this proposed  
6 increase?

7 MR. THOMAS: At that time, there was no mention  
8 of construction being a part of this proposed increase.  
9 And the only thing that was brought to the attention -- to  
10 the table at that time, which was highly contested, was  
11 her action to expand to a greater number. I believe it  
12 was 40 or 45 at that time.

13 MS. BROOKS: So, is it your opinion that the  
14 public was misled?

15 MR. THOMAS: It's not my opinion, it's -- well,  
16 actually it is. It is my opinion that I was definitely  
17 misled and I would believe that my neighbors as well were  
18 definitely misled because at -- a lot of the documents  
19 that were presented to the government were never presented  
20 to us in terms of this being an expansion of the property  
21 and wanting to ask for parking variances and so on and so  
22 forth.

23 MS. BROOKS: Was it also your understanding or  
24 your -- maybe it was an assumption on our part that it  
25 would continue to be a home business and that someone

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1 would reside in the property?

2 MR. THOMAS: Definitely. At no point was it  
3 ever brought to us that the resident would no longer live  
4 at the property and that it would only be a childcare  
5 development center with no one living there at all.

6 MS. BROOKS: Have you witnessed -- you may have  
7 already addressed this -- and if so, you don't have to  
8 respond again -- but did you discuss the parking and  
9 traffic concerns on Third Street and on Quackenbos in your  
10 testimony originally?

11 I'm sorry, I don't remember.

12 MR. THOMAS: I believe I may have touched on it  
13 a little bit, but there are actually major parking issues  
14 around here wherein at nighttime we've had -- ROSA  
15 actually makes this a regular round for them.

16 The Metropolitan Police Department -- it's  
17 become such an issue where people do come in that Do Not  
18 Enter on my Street and Third Street.

19 And because, like I said, I am on the board,  
20 they actually make this a routine for their traffic  
21 division where they have officers sit and issue out  
22 tickets.

23 I have actually witnessed the individuals speed  
24 up Ninth Street and I have walked up the street and  
25 observed the same car in front of the residence dropping

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1 their kids off.

2 VICE CHAIRPERSON HART: Do you have any  
3 additional questions, Ms. Brooks?

4 MS. BROOKS: No. That would be it.

5 VICE CHAIRPERSON HART: Thank you and thank you  
6 very much, Mr. Thomas.

7 Mr. Young, you had said there's an ANC member  
8 on the phone?

9 MR. YOUNG: Yeah. That's correct.

10 VICE CHAIRPERSON HART: You can put her on now.  
11 And could you also give us her name?

12 MR. YOUNG: It is LaRoya Huff. And she should  
13 be able to speak now.

14 MS. HUFF: Good afternoon. Can everyone hear  
15 me?

16 VICE CHAIRPERSON HART: Yes, Ms. Huff. Good  
17 afternoon.

18 MS. HUFF: Good afternoon. I'm sorry, go ahead.

19 VICE CHAIRPERSON HART: You're going to provide,  
20 I guess, some testimony for us. You have three minutes to  
21 do that.

22 MS. HUFF: Yes, I do.

23 VICE CHAIRPERSON HART: Thank you. You can  
24 begin.

25 MS. HUFF: Good afternoon. Thank you for

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1 allowing me to come before you today to testify regarding  
2 Case No. 20186.

3 My name is LaRoya A. Huff and I'm the ANC  
4 commissioner for 4B09 and a resident of Riggs Park for  
5 over 59 years as I reside at 527 Oglethorpe Street, NE

6 My SMD 4B09 abuts this proposed residence at  
7 220 Quackenbos Street, NE This matter came before the 4B  
8 Commission in January 2019 to ask for an expansion of  
9 participants from 9 to 40 and that was not accepted.

10 The ask then went to 20 participants and the  
11 Commission voted unanimously in support of that increase  
12 on January 27th, 2019.

13 I've had ongoing conversations with Ms.  
14 Ngatchou and absolutely nothing was discussed about the  
15 raising of the structure or that the residence would  
16 convert to a full-fledged business.

17 I reached out to 16 neighbors in my SMD and  
18 shared with them that the existing day care is asking for  
19 support with going from 9 to 20 participants, as that was  
20 the information disclosed to me, and they agreed to  
21 support this.

22 I've since had a conversation with Ms. Ngatchou  
23 on Sunday, July the 6th, after hearing from other  
24 residents that her intention was to raise the property one  
25 level and expand the rear of her property.

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1 She stated to me with the change of the  
2 numbers, she had a matter of right to make such a change.  
3 She at no time prior started this change.

4 I informed her that I object to this space and  
5 what residents have expressed about pop-ups in this  
6 community as well as the precedence this sets in the  
7 community.

8 I further informed her that I would need to be  
9 transparent with those residents who signed the letter of  
10 support she provided for me to assist her and that they  
11 were not really informed of her intent.

12 The information given has been very misleading  
13 and undermines the residents' request for this area.  
14 Further, residents were not aware that this residential  
15 property would become a full-time business and no longer a  
16 residential property.

17 Given the fact that there are high incidences  
18 of illegal activity not more than three blocks away, this  
19 raises safety concerns after hours when no one is at the  
20 property.

21 Further, this street is a one-way in the A.M.  
22 peak hours on Third Street. And with added drop-off and  
23 pickup, this will impact the streets significantly with  
24 additional amount of traffic traveling in and out of the  
25 district.

1           While I absolutely appreciate what the  
2 Renaissance Center and Galaxy Healthcare Solution does in  
3 communities, this is not an appropriate building structure  
4 or acceptable by residents in this community where we have  
5 many seniors and families that are not in agreement to  
6 make such a structural change in this residential  
7 neighborhood and the potential gates this will open for  
8 pop-ups and other such businesses in the community.

9           Given the fact that 20 participants changes the  
10 scope and the matter of right, perhaps this number should  
11 be revisited as this has the potential to change our  
12 community drastically and we will be at the hands of such  
13 changes throughout our neighborhood.

14           I would, therefore, ask that this request for  
15 BZA Case No. 20186 not be granted. I would also ask that  
16 my testimony be entered into the record.

17           (Pause.)

18           MEMBER JOHN: You're muted, Mr. --

19           VICE CHAIRPERSON HART: I put myself on mute  
20 because I type and I don't want to have that going out so  
21 -- and then forget I'm on mute.

22           Do the board members have any questions for ANC  
23 Member Huff?

24           MEMBER JOHN: Just one question.

25           VICE CHAIRPERSON HART: Yes.

1 MEMBER JOHN: So, were you at the ANC commission  
2 meeting in January when the ANC voted to support this  
3 application for 20 children and five staff members?

4 MS. HUFF: Again, yes. I did state that in the  
5 very beginning.

6 MEMBER JOHN: Yes. I wasn't hearing very well.  
7 Sorry.

8 MS. HUFF: Oh, no, that's okay.

9 MEMBER JOHN: Uh-huh.

10 MS. HUFF: So, yes, I was present. I did  
11 support the number -- we did not support the 40.

12 MEMBER JOHN: Yes.

13 MS. HUFF: There was the chair who had the  
14 number at 45, and so then the number went to 20. And so,  
15 yes, ma'am, I was -- I did vote to support that not given  
16 the fact that the matter of right would allow a person to  
17 do pop-ups.

18 We have no pop-ups in this community and that  
19 just changes the whole structural integrity of our  
20 community. We have other day cares in our neighborhood.  
21 They're not day centers. And so, that's where the concern  
22 was raised.

23 Once I heard again on the 6th, I reached out to  
24 Ms. Ngatchou and had the conversation about that. So,  
25 yes, to 20 because we thought that was a reasonable number

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1 without given the facts or plans at that meeting.

2           But now given the fact that it changes the  
3 whole scope of what's allowable to do a pop-up, that just  
4 changes the whole complexion and, as well as I stated,  
5 there have been several incidents.

6           While we do have a very quiet community, there  
7 are certain pockets of the area that's based -- the  
8 Maryland side on Eastern Avenue that have high incidences  
9 of crime.

10           In fact, I want to say it was not long ago the  
11 residents across from Ms. Ngatchou was robbed at gunpoint.  
12 So, we still have, you know, issues of police -- I'm just  
13 thinking ahead.

14           If a home is known to have a fenced in area or  
15 known to be closed -- then there's this gaping driveway  
16 piece right in the back that DCRA was involved in at some  
17 point because it's a grass area -- my concern is that  
18 people come up that hill and do all kinds of things,  
19 right?

20           And so, we don't want to open up a situation  
21 where someone knows that no one is there. It's almost  
22 like having a home when mail piles up or just that fact  
23 that someone knows they're not there. That, to me, would  
24 also be an issue of concern.

25           And so, given those facts when we did the 20,

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1 all of that was not, you know, known of what could  
2 potentially happen.

3           Now, when I say that knowing if you have 40 or  
4 45, that that's -- the applicant would know what they  
5 could do, yeah. So, I think the transparency was not  
6 totally there.

7           There was some people who opposed it at that  
8 time, but I just thought, you know, it was just a -- you  
9 know, 20, you know, wouldn't be bad.

10           But now that we're at this juncture, this just  
11 changes our whole community. It changes the whole  
12 complexion, the whole -- you know, the whole structure of  
13 our community.

14           And so, I think that needs to be considered. I  
15 think the residents who have lived here quite a long time,  
16 longer than I have, and even the new residents, there  
17 needs to be more of a conversation and more of a  
18 transparency, not just saying 9 to 20.

19           That's an easy thing. People say, okay, that's  
20 fair enough, and they sign a paper. I don't want my name  
21 out there like that.

22           VICE CHAIRPERSON HART: Thank you, Ms. Huff.

23           Are there any follow-up questions from the  
24 board?

25           MEMBER JOHN: No.

1 VICE CHAIRPERSON HART: Mr. Davis, do you have  
2 any questions for ANC Commissioner Huff?

3 MR. DAVIS: Just one.

4 So, your really major disagreement is the fact  
5 that they're doing some extra -- they're doing some  
6 construction?

7 You don't oppose the 20 students, but you  
8 oppose the construction, the expansion of the house; is  
9 that --

10 MS. HUFF: Okay. So, the thing is, like I  
11 mentioned in my testimony, this opens up a whole gateway  
12 for other people to do the same thing, right?

13 So, I don't want -- and I'm not the only one.  
14 There's many residents don't want to see pop-ups in this  
15 community. They don't want to see all of this coming to  
16 this area.

17 Now, we do know in northwest and other areas it  
18 happens and, as well as it's going to be a full-fledged  
19 business in a residential community.

20 In talking with Ms. Ngatchou, she mentioned  
21 about the Third Street corridor down by Walmart that  
22 historically that's been a warehouse area.

23 So, we've had businesses down there. We know  
24 that. We're not talking about down there. We're not  
25 talking about other areas where they already have this

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1 model.

2 I feel like this will be a model of change that  
3 will influence and potentially change drastically our  
4 community.

5 VICE CHAIRPERSON HART: Do you have any further  
6 questions, Mr. Davis?

7 MR. DAVIS: Well, I think she's opposed to the  
8 construction, but not the 20 students. That's what I get  
9 from it.

10 VICE CHAIRPERSON HART: I think that she's  
11 saying that this is kind of opening up for other things.

12 MS. HUFF: Yes.

13 VICE CHAIRPERSON HART: And so, there are --  
14 these things are, I think --

15 MS. HUFF: If it's a matter of right, then this  
16 has the potential to be a further argument down the road.

17 VICE CHAIRPERSON HART: Right.

18 MS. HUFF: And I'll just be honest. I think in  
19 the back somewhere there is the -- you know, with this  
20 growth, there is the possibility and the mindset that,  
21 hey, well, I get 20 now, I'm going to push on my 40  
22 because now I got a building.

23 VICE CHAIRPERSON HART: Okay.

24 MS. HUFF: And then other like-minded people are  
25 going to do the same thing. And so, you know, we have

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1 churches there that are vacated. They're a structural  
2 building that's, you know, that has some space.

3 VICE CHAIRPERSON HART: I think we understand.

4 MS. HUFF: So, how do we get ahead of the curve?  
5 I'm trying to figure this out.

6 VICE CHAIRPERSON HART: Thank you. ANC  
7 Commissioner Brooks, do you have any questions?

8 MS. BROOKS: Yes. Actually, I was off of mute  
9 and didn't speak.

10 Okay. Commissioner, good afternoon. I just  
11 want to clarify that you are -- and I don't want to lead  
12 you -- you would be opposed to 20 students if it didn't  
13 give the right to construction that we --

14 MS. HUFF: Well, I think it --

15 MS. BROOKS: -- can't address --

16 MS. HUFF: -- needs to be revisited --

17 MS. BROOKS: -- is that what you're saying?

18 MS. HUFF: -- to find out what "matter of  
19 right" means in this context. When does it change the  
20 complexion of what is matter of right versus not?

21 So, you know, that argument came up when she  
22 talked to her on the 6th. She said, well, by matter of  
23 right I can do this, right?

24 MS. BROOKS: So, I believe -- my understanding  
25 is that it is the matter of right because there are 20

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1 children now?

2 VICE CHAIRPERSON HART: Well, actually --

3 MS. BROOKS: No, Commissioner John?

4 VICE CHAIRPERSON HART: Just so that we don't  
5 get back and forth on this --

6 MS. BROOKS: Okay.

7 VICE CHAIRPERSON HART: -- this is not a matter  
8 of right project because it's before us.

9 MS. BROOKS: Okay.

10 VICE CHAIRPERSON HART: If it were a matter of  
11 right project, it wouldn't come before the BZA. So, that's  
12 not a -- I know what the applicant may have said, but  
13 right now matter of right just means that under zoning  
14 there are -- these things are -- they can do this and they  
15 can do this without anybody's approval.

16 So, they are here, they need a special  
17 exception to be able to do this, so we're having that  
18 discussion.

19 MS. BROOKS: Thank you for the clarification.

20 MEMBER JOHN: Can I just add something to that?

21 There was a bit of confusion with the  
22 application where it seemed as if the applicant was  
23 seeking side yard relief.

24 So, earlier on in this hearing OP explained  
25 that the request for side yard relief would more than

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1 likely go away.

2           So, the only issue before the board right now  
3 is the issue of parking and, of course, traffic and other  
4 adverse effects, which is part of the examination of  
5 whether the applicant can meet the requirement to  
6 establish this child development home for 11 additional  
7 children.

8           So, all we're looking at is what is the adverse  
9 impact from adding 11 additional students in terms of  
10 traffic and parking.

11           MS. BROOKS: Okay.

12           MEMBER JOHN: So, those are the conditions if  
13 the side yard relief goes away. So, this is not  
14 something, Ms. Ngatchou, I believe we can decide today  
15 because we would need to have this whole issue of the side  
16 yard relief clarified and --

17           VICE CHAIRPERSON HART: Yes.

18           MEMBER JOHN: -- then the other question.

19           MS. BROOKS: I'm sorry to have to ask this, but  
20 I need some more clarification if possible.

21           So, my understanding is that by requesting 20  
22 students is where the matter of right to add on and, in  
23 using Commissioner Huff's term, pop-up the properties  
24 comes into play.

25           MEMBER JOHN: No.

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1 MS. BROOKS: Can you clarify that?

2 MEMBER JOHN: If you take a look at OP's  
3 report, you will see where OP has described how the  
4 addition, which is not before the board today, if the side  
5 yard relief goes away, you will see that the OP report  
6 shows how the building meets the development requirements.

7 So, it has the correct height. There's no  
8 relief for height. Lot occupancy, there's no relief for  
9 lot occupancy.

10 Rear yard, that's within the requirements.  
11 Side yard on one side needs five feet of relief because of  
12 the ramp and that will go away, OP thinks.

13 So, the application will have to be amended to  
14 remove that, and the drawings will have to be changed to  
15 make sure that the ramp is not in the side yard.

16 The parking needs relief. So, they are before  
17 the board for relief of parking. And so, they also need,  
18 which is the primary issue, to show that the application  
19 meets the criteria to establish a child development  
20 center.

21 And in analyzing that issue, the board has to  
22 look at what the impact of the community is. And so, it's  
23 important to hear the testimony about traffic and parking  
24 and so on, which is what we are allowing the witnesses to  
25 do.

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1 Does that help you?

2 MS. BROOKS: Yes.

3 MS. HUFF: I have a question. This is  
4 Commissioner Huff again.

5 So, the history of Third Street is that they  
6 already have the -- when we talk about the traffic  
7 studies, there must have been a reason why they  
8 implemented the one-way in the A.M. to deter traffic, more  
9 than likely, that's oncoming from New Hampshire Avenue  
10 down to Riggs Road. And so, you know, they've made some  
11 adjustments and concessions by having speed bumps.

12 I'm just wondering when you talk about the  
13 traffic assessment, has a new traffic assessment been  
14 done? When the last time it was done? What were the  
15 findings? Why did they put that there?

16 Because, again, you're going to have increased  
17 traffic that will stop and go or hopefully not potentially  
18 stay.

19 I've heard testimony where people park there,  
20 get on the bus, go to work, come back. So, you know, it  
21 does impede residents who need their parking space.

22 So, has that been looked at?

23 VICE CHAIRPERSON HART: Well, it looks as though  
24 the DDOT -- in the ANC report -- actually, in the DDOT  
25 report itself, Exhibit 36, the District Department of

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1 Transportation stated that with a maximum of 20 children,  
2 a pickup and drop-off plan is not required for that aspect  
3 of it.

4 And we are not -- and a full traffic study is  
5 not required for this as well. So, there is not going to  
6 be a further, you know, study.

7 And typically they look at something that is, I  
8 guess, somewhat larger than this, but that's where that  
9 is.

10 MS. HUFF: Thank you.

11 VICE CHAIRPERSON HART: ANC Commissioner Brooks,  
12 do you have any further questions for Commissioner Huff?

13 MS. BROOKS: No.

14 VICE CHAIRPERSON HART: Okay. So, I guess we're  
15 -- and, Mr. Young -- thank you-all -- everyone for giving  
16 your testimony.

17 MR. YOUNG: Mr. Hart, I can get Ms. McCormick on  
18 the line and she would be the last one.

19 VICE CHAIRPERSON HART: Ms. McCormick. Okay.  
20 Sure.

21 MS. MCCORMICK: Okay.

22 VICE CHAIRPERSON HART: Yes.

23 MS. MCCORMICK: Can you hear me?

24 VICE CHAIRPERSON HART: You have three minutes,  
25 yes.

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1 MS. MCCORMICK: Okay. I'm Janet McCormick and I  
2 live at 6011 Third Street, NE, which is a half block from  
3 the 240 Quackenbos Street residence.

4 I'm opposed to increasing the minimum parking  
5 requirements. I'm opposed to converting an existing,  
6 standing child development home to a child development  
7 center and to construct a three-story rear addition and a  
8 Third Street addition to -- a third addition to the  
9 existing detached dwelling.

10 My family moved to this location about 30 years  
11 ago appreciating the neighborhood with the realization, at  
12 that time, that Third Street attracted trucks, which were  
13 not allowed to use this corridor, but did so unlawfully.

14 A retired, concerned neighbor eventually chose  
15 to position himself at the corner of Third and Quackenbos  
16 in the early morning to collect license plate numbers and  
17 this effort paid off. I say that to say that traffic has  
18 been an issue in this neighborhood for a long time.

19 Now, this extended neighborhood has been  
20 inundated with buildings which have been expected to --  
21 for us to accept them with open arms not realizing the  
22 negative impact they have on parking and traffic.

23 Now, also in the past I've operated two child  
24 development centers -- so, I have more than a vague idea  
25 of the operation -- and I say to you parents do not just

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1 drop off a kid and pick up a child; and especially a  
2 preschool-aged child.

3           They are usually dropped off, the child is  
4 signed in and you go into a center to see what is going  
5 on. And when it's time for them to be picked up, you talk  
6 to the person with whom they have had contact all day.

7           That is the nature of a good child development  
8 center. I've never known a child development center to  
9 let somebody in at the door.

10           Nobody is going to let their child just go into  
11 a place. Even if you've been in there before, you don't  
12 know what's in there that day.

13           If the expansion is accepted, there would be no  
14 place for the 20 children to play outside, which is  
15 required by law.

16           And the closest playground is five long city  
17 blocks from the residence at the bottom of a very hilly  
18 street, and that is at a D.C. public school.

19           Finally, if the center is open longer than from  
20 6:00 a.m. to 7:00 p.m., the problem with parking becomes  
21 greater for residents who return from their workday and  
22 must vie for parking space in their neighborhood with  
23 employees of the proposed center.

24           I will continue to support the center as it is.  
25 It is my sincere desire to maintain this neighborhood as

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1 residential and without the influx of additional  
2 businesses.

3 I support a home-based child development center  
4 and let me say when I first met Ms. Hando, her position  
5 was, oh, I have a small center. And the big emphasis was  
6 that her center was different because the children learned  
7 French.

8 And I thought that was wonderful, too, but this  
9 has morphed into something that's no longer French is the  
10 attraction. It's more and more people.

11 And I have been in that neighborhood walking  
12 when cars that just happen to have Maryland license  
13 plates, maybe they're borrowing Maryland cars, maybe they  
14 live in the neighborhood, but those are some of the people  
15 who have been dropping off their children at that center.  
16 I'm done.

17 VICE CHAIRPERSON HART: Thank you very much.

18 Do the board members have any questions for Ms.  
19 McCormick?

20 (Pause.)

21 VICE CHAIRPERSON HART: Okay. Mr. Davis, do you  
22 have any questions for Ms. McCormick?

23 MR. DAVIS: No.

24 VICE CHAIRPERSON HART: ANC Commissioner Brooks,  
25 do you have any questions for Ms. McCormick?

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1 MS. BROOKS: I do not.

2 VICE CHAIRPERSON HART: Thank you. Thank you  
3 very much, Ms. McCormick, for dialing in.

4 Okay. So, it's back to, I guess, Mr. Davis.  
5 Do you have -- I guess we are at a rebuttal. Are we there  
6 now?

7 MEMBER JOHN: Yes.

8 VICE CHAIRPERSON HART: Gosh, I'm like -- I'm so  
9 -- we've been -- it feels like we've been through this for  
10 quite a while. I apologize for that.

11 MEMBER JOHN: Mr. Vice Chair --

12 VICE CHAIRPERSON HART: Yes.

13 MEMBER JOHN: -- are we at closing yet since we  
14 have had --

15 VICE CHAIRPERSON HART: I guess we are at  
16 closing because we just finished through the testimony.  
17 So, Ms. Brooks, I'll give you the opportunity to provide  
18 some closing statements. And then, Mr. Davis, you'll  
19 conclude or be the last person.

20 MS. BROOKS: Okay.

21 VICE CHAIRPERSON HART: Okay. Thank you.

22 MS. BROOKS: Okay. I would like to focus on  
23 the fact that, as a commissioner, when we brought this to  
24 the -- when I brought this to the full commission and when  
25 I heard from the community, the understanding was that

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1 this would remain a home day care and that it would not be  
2 turned fully into a day care center that was a business  
3 inside of a residential community.

4           And while, you know, I think I adequately  
5 served the residents of the community, it is possible that  
6 because I was coming into this, you know, the vote was  
7 right after I had become a commissioner, you know, perhaps  
8 there could have been more opportunity had we postponed  
9 the vote for us to learn more about Ms. Hando's full  
10 intention.

11           But I don't know that that would have been  
12 possible because I think that it was purposely -- we were  
13 purposely led to believe that all she wanted to do was  
14 increase the -- offer more students the opportunity to  
15 attend, not to move out of her home.

16           And while I understand that what's in front of  
17 you is only the request with regard to decide or maybe not  
18 decide and all of that, there is a whole construction  
19 project that is going along with this now. And that needs  
20 to be taken into consideration, too, because that is a  
21 part of what the neighbors are opposing.

22           The structure that is now a matter of right for  
23 her to build would never need to have been built if it  
24 wasn't becoming a day care center as opposed to a home day  
25 care.

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1           And that construction changes the complexity of  
2 the neighborhood. It allows for more pop-ups to enter  
3 into our community, which both Commissioner Huff and I  
4 have always been vocal about in the past.

5           That has never been -- if you, you know, were  
6 to follow any other resolutions or conversations in ANC  
7 Commission business, that was never an intention of ours.

8           And so, again, I have concern with regard to  
9 how this process has played out and the transparency with  
10 which it has -- with which we were given, I guess, is the  
11 best way to phrase that.

12           So, thank you and I remain -- just for the  
13 record, I remain opposed to now allowing this to move  
14 forward now that we're clear on what the full picture is.

15           VICE CHAIRPERSON HART: Thank you.

16           Mr. Davis, do you have a final conclusion that  
17 you would like to make?

18           MR. DAVIS: Yes, very short.

19           The applicant has always been transparent. She  
20 always reached out to the neighborhood. She reached out  
21 to the ANC.

22           She knows each and every person who testified  
23 here today. She wants to do something that's community-  
24 based, something that serves the community.

25           Her application here is to increase from 9 to

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1 20 students, to provide an enriched environment to the  
2 students. The fact that she lives in the house currently  
3 and she may consider moving out in the future, I think  
4 most of us have that right to move, if we have to.

5 The fact that if the house -- it may be vacant  
6 at night, I don't see how that would increase any crime as  
7 it has been alleged.

8 I think that with the modern-day security  
9 systems that we have where we actually can view much of  
10 what's happening on our phones from our house would be in  
11 place.

12 The construction that she is proposing is to  
13 make the house a little more -- or the center a little  
14 more comfortable and roomy so the students can have an  
15 enriched environment, a comfortable environment, a safe  
16 environment.

17 She hears all the concerns of everyone who has  
18 spoken and in no way is she thinking that she would like  
19 to not take their concerns into consideration, but she'd  
20 also like the opportunity to provide a service to her  
21 community and to the young children that she serve.  
22 That's how she feels and that's where she's sitting.

23 Some of the testimony she heard has surprised  
24 her because she thinks and believes that in no way has she  
25 ever tried to mislead anyone or file any false documents.

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1 She has filed original documents, which all are  
2 available at -- in government hands right now. So, while  
3 some people may oppose what she's trying to do, she's  
4 hoping that she gets a chance to serve her community.  
5 Thank you.

6 VICE CHAIRPERSON HART: Thank you.

7 Does the board have any further questions or  
8 any -- sure, Mr. -- Commissioner May.

9 MEMBER MAY: Yeah, for Mr. Davis.

10 So, we heard a lot of testimony about how the  
11 picture has shifted and, I mean, I get the impression  
12 that, from the beginning, you always intended to build a  
13 very large addition and that -- was the intention, at that  
14 point, to build that addition and increase the occupancy  
15 to 40 or 45?

16 MR. DAVIS: No. She first proposed 40. When it  
17 was opposed, it was reduced to 20 and that has maintained  
18 and continued to maintain.

19 The size of the addition is not to host 40, but  
20 to host 20 kids to create an environment --

21 MEMBER MAY: Okay. How big was it going to be  
22 when it was going to be 40?

23 MR. DAVIS: I don't think they had done the  
24 plans yet when they talked about 40. That was just an  
25 idea which was --

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1 MEMBER MAY: Just an idea. And when was --

2 MR. DAVIS: --turned around -- maybe I can do  
3 40. And when it was turned around, she reduced it to 20  
4 and they catered -- the architect catered a change to host  
5 20 students.

6 MEMBER MAY: Okay. And so, the current  
7 proposed addition is what is necessary in order to house -  
8 - or to take -- to provide care for 20 children --

9 MR. DAVIS: Correct.

10 MEMBER MAY: -- with five staff or whatever it  
11 was.

12 MR. DAVIS: Correct.

13 MEMBER MAY: Okay. And Ms. Hando does live  
14 there now?

15 MR. DAVIS: Yes, she does live there now.

16 MEMBER MAY: Okay. Alright. I think that  
17 answers my questions. Thank you.

18 VICE CHAIRPERSON HART: Thank you.

19 Commissioner John -- did I say "Commissioner"?  
20 I'm sorry. Board Member John.

21 MEMBER JOHN: Nothing.

22 VICE CHAIRPERSON HART: Okay. And you don't  
23 want any further information from the applicant?

24 MEMBER JOHN: Is it appropriate to discuss the -  
25 - and I'd like to hear from my fellow board members -- the

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1 proposed conditions in the event that after deliberations  
2 we would approve the application?

3 I mean, OP mentioned that the conditions could  
4 include a maximum number of children, maximum number of  
5 staff persons and the hours of operation.

6 And I think after listening to the concerns of  
7 the neighbors, there might be, you know, other conditions  
8 including what I believe DDOT -- I don't remember if DDOT  
9 mentioned anything about the drop-off and the pickup  
10 location.

11 The applicant also offered to have security or  
12 a crossing guard. There are other things that would help  
13 with the traffic and -- so, I just throw that out.

14 MEMBER MAY: Mr. Chairman --

15 VICE CHAIRPERSON HART: Yes.

16 MEMBER MAY: -- I was actually wondering -- I  
17 mean, I feel that what we have gotten from the ANC today  
18 is pretty substantially different from what was sent to  
19 us.

20 Even though the original letter we received, it  
21 was a little unclear exactly, you know, what the  
22 consideration was, what the vote was, there was a  
23 reference to a consent calendar, so I was confused by  
24 that.

25 I would feel more comfortable if we did not

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1 move ahead with this until we gave the opportunity -- the  
2 ANC the opportunity to consider this matter again if they  
3 are willing to do that.

4 VICE CHAIRPERSON HART: So, the full ANC?

5 MEMBER MAY: Yeah, the full ANC.

6 I mean, I know we've heard from the ANC's  
7 representatives today, but I don't feel like I have a  
8 really clear picture of what the ANC consensus is at this  
9 moment.

10 And I would feel better if we ask the applicant  
11 to go back to the ANC and have a more fulsome discussion  
12 of exactly what is proposed and what steps they'll be  
13 taking to mitigate any of the circumstances that have  
14 drawn objection and see if, in fact, they might be able to  
15 come closer to some level of agreement about the nature of  
16 the operation and even including potentially new  
17 conditions that might be proposed.

18 Just because they feel like it's -- you know,  
19 right now, I mean, we could jump in and we could make a  
20 decision about this based on the information that we have,  
21 but I would feel better if we gave the ANC and the  
22 neighbors and the applicant the opportunity to consider it  
23 a bit further.

24 VICE CHAIRPERSON HART: Commissioner Brooks, can  
25 you -- I'm not even sure what your time line is in terms

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1 of having any commission ANC meetings, you know.

2 Are you still meeting this summer or what is  
3 your next meeting; do you know?

4 MS. BROOKS: We are. Our next meeting is the  
5 last Monday in July, which I think is the 28th. I'm not  
6 looking at a calendar, which I can --

7 VICE CHAIRPERSON HART: 27th.

8 MS. BROOKS: Thank you.

9 So, that would be our next meeting. We have  
10 not noticed that meeting yet. We're not obligated to have  
11 noticed that meeting yet.

12 VICE CHAIRPERSON HART: Okay.

13 MS. BROOKS: So, I would be happy to take this  
14 back to the ANC, put it on the, you know, the agenda,  
15 notice the meeting and get back to you after that.

16 VICE CHAIRPERSON HART: Commissioner May, that  
17 means that we could potentially hear this -- get something  
18 from the ANC by either the 29th meeting or the August 5th  
19 meeting before our break.

20 MEMBER MAY: Well, the 29th is very quick and  
21 it's also a --

22 VICE CHAIRPERSON HART: Yeah.

23 MEMBER MAY: -- week a will be away.

24 VICE CHAIRPERSON HART: You cannot do that. I'm  
25 sorry.

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1 MEMBER MAY: So, the 29th would not be very good  
2 for me, but the --

3 VICE CHAIRPERSON HART: That's fine.

4 MEMBER MAY: You know, and I love August  
5 meetings, so --

6 (Laughter.)

7 VICE CHAIRPERSON HART: Just one. Just one.  
8 One August meeting.

9 MEMBER MAY: Just one. Once case.

10 MEMBER JOHN: One meeting.

11 MEMBER MAY: One meeting, one case. That would  
12 work for me. It does assume that there's going to be a  
13 lot of conversation between now and the 27th as well as --

14 VICE CHAIRPERSON HART: Yes.

15 MEMBER MAY: -- the ANC meeting. So, I -- you  
16 know, I would strongly encourage that. I mean, this is  
17 the sort of thing where I can hear Zoning Commission  
18 Chairman Anthony Hood in my head talking about the Good  
19 Neighbor Policy and how he would really like to see if the  
20 parties involved here could come closer together because  
21 it's pretty clear that the child development home provides  
22 a valuable service to neighbors.

23 But it's also pretty clear that the neighbors -  
24 - a number of the neighbors have serious concerns about  
25 this expansion of the operation.

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1 VICE CHAIRPERSON HART: Yeah, I think it would  
2 be good as well.

3 Commissioner Brooks?

4 MS. BROOKS: Yes, we would be happy to take it  
5 back to the ANC. Again, I can arrange to have a virtual  
6 SMD meeting this month.

7 So, for those -- for my constituents that are  
8 still on the call, be on the lookout for that. We can  
9 have a conversation in advance of the ANC meeting and then  
10 discuss it at the ANC meeting.

11 Our ANC does not meet in August, however. But  
12 if you need me to make myself available in August, I can  
13 do that as well.

14 VICE CHAIRPERSON HART: It's just August 5th is  
15 the only meeting that we have.

16 MS. BROOKS: That's fine.

17 VICE CHAIRPERSON HART: So, would it be a  
18 continued hearing or a -- I'm talking to the board members  
19 now.

20 Is this a continued hearing?

21 MEMBER JOHN: Yes. I would think --

22 MEMBER MAY: Yes.

23 VICE CHAIRPERSON HART: Yeah, I think so.  
24 That's fine.

25 MEMBER JOHN: And I would just like to add that

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1 the applicant should revise the application to clarify  
2 where the side yard is being relieved -- is being -- side  
3 yard relief is being requested --

4 VICE CHAIRPERSON HART: Requested, uh-huh.

5 MEMBER JOHN: -- because that makes a big  
6 difference.

7 And, Commissioner May, did you want the  
8 applicant to try to get a curb cut again or try again to  
9 get a curb cut?

10 MEMBER MAY: No. I mean, I think I heard enough  
11 on that topic --

12 MEMBER JOHN: Okay.

13 MEMBER MAY: -- to know that it's a nonstarter.  
14 It's not -- the current condition doesn't quite meet the  
15 exception test in the zoning regulations, but there are  
16 other exceptions that -- and you only have to meet one of  
17 them, right?

18 MEMBER JOHN: Yes. Right.

19 MEMBER MAY: And so, good public transportation  
20 is one of them and I think the proximity to Eastern Ave.  
21 and New Hampshire Ave. are sufficient to check that box,  
22 but there are three or four others that could be checked  
23 as well.

24 So, I was concerned about that. I just wanted  
25 to get some kind of clarity on it because it seemed to be

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1 -- seemed to me that OP was relying on that criterion in  
2 particular, which I think is probably not the -- you know,  
3 it doesn't necessarily do it completely.

4 VICE CHAIRPERSON HART: Yeah. Okay. So, Mr.  
5 Davis, you understand all of what we've been discussing?

6 MR. DAVIS: Yes, sir, I do.

7 VICE CHAIRPERSON HART: Okay. So, Mr. Moy, can  
8 you kind of back us out of the August 5th meeting, the  
9 continued public hearing?

10 I should say -- well, I was going to say  
11 limited scope, but it may not be depending on what we get  
12 back from the ANC.

13 So, Mr. Moy, if you could kind of back us out  
14 of that meeting to give us some dates and understanding  
15 that the ANC has their meeting on Monday, the 27th, which  
16 is like a week and a half before the May -- August 5th  
17 meeting, the BZA meeting.

18 MR. MOY: Yeah. So, I was going to suggest, Mr.  
19 Vice Chair, and I'm going to have imbedded with the time  
20 lines a question as well.

21 So, if the board continues the hearing to  
22 Wednesday, August 5th, that I would suggest that, going on  
23 Ms. John's request, that the applicant file clarification  
24 on the relief, if the applicant can file that  
25 clarification by Friday, July the 17th, and we know that

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1 the ANC is going to schedule this application at the ANC  
2 meeting on July 27th, then perhaps if ANC can file their  
3 ANC resolution by the end of the week, which would be July  
4 31st, the thing missing, which is my question, is whether  
5 you want to provide the applicant time to respond to the  
6 ANC letter or have the applicant respond at the day of the  
7 hearing on August 5th.

8 VICE CHAIRPERSON HART: Commissioner Brooks,  
9 what is the -- what do you think is a reasonable time  
10 limit to provide some comment from the ANC? Is the week  
11 okay for that?

12 MS. BROOKS: That's more than fine.

13 What is likely to happen is there will be a  
14 conversation at our planning meeting.

15 VICE CHAIRPERSON HART: Yes.

16 MS. BROOKS: And then a new resolution will be  
17 voted on at the meeting.

18 VICE CHAIRPERSON HART: Okay.

19 MS. BROOKS: And then we could submit that  
20 resolution, you know, in the next day or two.

21 VICE CHAIRPERSON HART: That's good to hear  
22 because I was actually going to suggest that if we could  
23 get the ANC resolution by the 28th, 29th, then we can get  
24 a response from the applicant -- I don't know if we --  
25 it's only a couple of days, but --

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1 MR. MOY: The following Monday.

2 VICE CHAIRPERSON HART: Yeah, the 3rd of August,  
3 at least, to give us a little bit of time to be able to  
4 review it.

5 MS. BROOKS: So, I can definitely get you the  
6 ANC's response within the week of the meeting.

7 VICE CHAIRPERSON HART: Okay,.

8 MS. BROOKS: That's not a problem at all.

9 VICE CHAIRPERSON HART: So, does that make  
10 sense, Mr. Moy?

11 MR. MOY: Yes. Yes.

12 VICE CHAIRPERSON HART: Okay.

13 MR. MOY: So, I understand the dates now.

14 So, the -- starting at the beginning, so the  
15 ANC would meet on Monday, July 27th and cross my fingers  
16 that maybe the ANC can submit their resolution the next  
17 day by the 28th.

18 So, that will give a week for the applicant to  
19 respond, if any at all, to the ANC by, let's say, Tuesday,  
20 August the 4th.

21 Will that work for you, sir?

22 VICE CHAIRPERSON HART: I would rather do the  
23 Monday just so we have time to actually review it before  
24 the 3rd, if that's possible, for the response.

25 MR. MOY: Okay. Usually it's seven days, but

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1 you're going to shorten it by a day.

2 VICE CHAIRPERSON HART: I agree. I just -- I  
3 think we're just kind of running into the 5th and the --

4 MR. MOY: Understood. So, that would be by  
5 Monday, August 3rd, for the applicant to respond --

6 VICE CHAIRPERSON HART: Yes.

7 MR. MOY: -- to the ANC's filing. And then the  
8 hearing on -- on the -- August the 5th.

9 VICE CHAIRPERSON HART: Yes.

10 MR. MOY: And again -- once again for the  
11 applicant, Mr. Davis, to submit -- to clarify your zoning  
12 relief by Friday, July 17th. You should -- before you go  
13 to the ANC meeting.

14 MR. DAVIS: Okay.

15 VICE CHAIRPERSON HART: Okay.

16 MEMBER JOHN: And that includes revised drawings  
17 as well.

18 MR. DAVIS: Okay.

19 MEMBER JOHN: Right?

20 VICE CHAIRPERSON HART: Okay. So, I think  
21 that's it. I -- yes, Commissioner May.

22 MEMBER MAY: Yeah, Mr. Chairman, I just want to  
23 clarify one thing.

24 I -- I mean, I do think this could be handled  
25 as a limited scope hearing where we hear from the ANC and

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1 we hear from the applicant. I don't think we need to  
2 throw it open for all public testimony.

3 VICE CHAIRPERSON HART: I was not looking to do  
4 public testimony. My question was that I'm not exactly  
5 sure what the ANC is going to say, so there may be --  
6 while we may be limiting to that to the response, that  
7 response may be somewhat broad.

8 MEMBER MAY: Yeah, I understand. I just -- I  
9 didn't want to -- I mean, I know other people are very  
10 concerned about this. We have many, many in the record.

11 I didn't want to -- I mean, and I think we got  
12 a good sampling of that today. I didn't think it was  
13 necessary for us to hear another 20 people testify.

14 VICE CHAIRPERSON HART: I agree. I agree. It  
15 would be focused on the -- that ANC report, but, yeah, my  
16 question was just, you know, what that was going to say.  
17 So, I'm not really sure.

18 So, thank you all very much for a very lively  
19 discussion. It was -- and we will see you all on the --  
20 on August the 5th when we're back for the hearing.

21 For the board members, we -- I want to -- I  
22 guess we're going to have to take a little bit of lunch  
23 because I'm getting -- I'm rather hungry now, but we want  
24 to -- I know that Mr. Moy asked to do the -- that motion  
25 to advance party status. We have them on the phone, I

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1 think.

2           And if we could do that -- take a few minutes  
3 and do that before lunch, and then go to lunch for -- I  
4 don't know -- a half hour.

5           Commissioner May, I know you have -- or at  
6 least I think you have a deadline or some hard stop.

7           MEMBER MAY: No, I just have a lot of work to  
8 do.

9           (Laughter.)

10          VICE CHAIRPERSON HART: What is that?

11          MEMBER MAY: No, but, yeah, who needs sleep? I  
12 understand. I mean, I don't need a long lunch break.  
13 I'm, you know, eating at home. I can --

14          VICE CHAIRPERSON HART: Yeah.

15          MEMBER MAY: -- you know, grab snacks right  
16 here. So, I won't take very long.

17          VICE CHAIRPERSON HART: Well, in light of the  
18 time, I would like to get -- I mean, I understand that. I  
19 just want to have time for people to kind of get up and  
20 move around for a bit.

21          Well, let's try for 20 minutes and see if we  
22 can do this before lunch.

23          MEMBER MAY: How about a half hour?

24          VICE CHAIRPERSON HART: Let's do a half hour.

25 So, 2:45 we're going to come back after Mr. Moy reads in

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1 the -- we do this party status discussion.

2           And, Mr. Young, could you bring in Mr. Wise? I  
3 don't know if he's on the phone or if he's one of the  
4 participants.

5           Oh, there he is.

6           MR. YOUNG: I believe he's in.

7           VICE CHAIRPERSON HART: Excellent.

8           Good afternoon, Mr. Wise.

9           MR. WISE: Good afternoon. Thank you for having  
10 me.

11           VICE CHAIRPERSON HART: Excellent. Well, thank  
12 you for coming.

13           Mr. Moy, if you could read into -- read in the  
14 case again so that we can reopen the case?

15           MR. MOY: Yes. Yes. Thank you very much.  
16 Thank you very much, Mr. Vice Chair, and the board as  
17 well, for doing this.

18           This is, for the record, Case Application No.  
19 20238 of James Silk. I'm going to read the caption for  
20 the transcript; that is amended for special exceptions  
21 under Subtitle G Section 1200, from the side yard  
22 requirements, Subtitle G Section 1104.1, from the alley  
23 center line setback requirements, Subtitle G Section  
24 1105.1, and pursuant to DCMR Subtitle X, Chapter 10, for  
25 an area variance from minimum alley width requirements,

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1 Subtitle C Section 303.3(a), to construct a second-story  
2 addition to an existing semi-attached principal dwelling  
3 unit, MU-26 Zone at premises 0203 Rear 3rd Street, SE,  
4 Square 0762, Lot 0823.

5 As the Board is aware in the record this is Mr.  
6 Brian Wise request for advance party status and there is a  
7 preliminary matter regarding waiver of Y-404.2 given that  
8 the threshold hearing date on this was originally set for  
9 August 22nd. That's it.

10 VICE CHAIRPERSON HART: Thank you very much, Mr.  
11 Moy.

12 Is the board ready to deliberate on this? I  
13 know we started deliberating on it already. I mean, I  
14 noted earlier now that we have Mr. Wise here and he has  
15 acknowledged that he is here, I didn't know if you had any  
16 further conversation that you wanted to have.

17 I think I had noted earlier that I was in  
18 support of granting the party status, but, Commissioner  
19 May?

20 MEMBER MAY: Yeah, I agree, Mr. Chairman.

21 I don't see any problem and it seems pretty  
22 straightforward. Mr. Wise's property is very -- well, it  
23 abuts it and it will be significantly affected by whatever  
24 is approved. So, I do think that it's -- it makes sense  
25 that he be granted party status.

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1           There is the issue of us taking this up only  
2 seven days in advance. I'm not sure why it wasn't the  
3 full 14 or whatever it should have been, but I don't think  
4 that Mr. Wise should have suffered for that because his  
5 submission was in long before this. So, I'd be in favor.

6           VICE CHAIRPERSON HART: Board Member John?

7           MEMBER JOHN: I'm in favor as well based on  
8 Commissioner May's analysis.

9           VICE CHAIRPERSON HART: I didn't have anything  
10 to add to that. I guess we can just do a -- I don't know.  
11 Do we have to do a recall, Mr. Moy?

12          MEMBER JOHN: Yes.

13          MR. MOY: We probably should.

14          VICE CHAIRPERSON HART: Okay. That's fine.

15          I'll make a motion then to grant party status  
16 to Brian Wise.

17          Second? Do I have a second?

18          MEMBER JOHN: Second.

19          VICE CHAIRPERSON HART: Thank you.

20          MEMBER MAY: I just want a clarification.

21          I mean, I think we have to waive the whole --  
22 the 14-day rule as well. I don't know if we can do that  
23 in the same motion.

24          VICE CHAIRPERSON HART: Okay. So, make a motion  
25 to waive the 14-day rule and to grant party status for

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1 Brian Wise.

2 Do I have a second?

3 MEMBER JOHN: Second.

4 VICE CHAIRPERSON HART: It's been motioned and  
5 seconded.

6 Mr. Moy, can you make a call vote?

7 MR. MOY: Yes. Thank you.

8 When I call your name, if you would please  
9 respond with a yes or a no or abstain.

10 Zoning Commissioner Peter May?

11 MEMBER MAY: Yes.

12 MR. MOY: Ms. John?

13 MEMBER JOHN: Yes.

14 MR. MOY: Vice Chair Hart?

15 VICE CHAIRPERSON HART: Yes.

16 MR. MOY: The motion carries three to zero to  
17 two. This is to grant the request for advance party  
18 status for Brian Wise and -- three to zero to two.

19 And on the motion of Vice Chair Hart. Seconded  
20 by Ms. John. In support, Zoning Commissioner Peter May.  
21 We have a board seat vacant and no other members  
22 participating. Motion carried, sir.

23 VICE CHAIRPERSON HART: Thank you. Okay. So,  
24 we can go on break.

25 MEMBER JOHN: For 30 minutes?

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1 VICE CHAIRPERSON HART: Yeah. It will be --  
2 yeah. We're now at 2:50, so, anyhow, I guess we'll see  
3 you then. Thank you very much.

4 (Whereupon, the above-entitled matter went off  
5 the record at 2:20 p.m. and resumed at 2:57 p.m.)

6 VICE CHAIRPERSON HART: Excellent. Mr. Moy,  
7 can you please call the next case.

8 MR. MOY: Yeah, thank you Mr. Chair, my  
9 pleasure. The board is back in session, in its hearing  
10 session, and the time is a matter of, let's say, 3:00 p.m.

11 So the first hearing case is Case Application  
12 No. 20243 at 532 Taylor LLC, and this is captioned and  
13 advertised for special exception under the RF-Use  
14 requirements of Subtitle E section 320.2, to permit the  
15 conversion of a flat into a three-unit apartment house in  
16 the RF-1 zone at premises 532 Taylor Street, NW (Square  
17 3231, Lot 86).

18 VICE CHAIRPERSON HART: First I have to get  
19 myself unmuted. So it looks like we have the applicant  
20 here. Yes? Ms. Sima Tessema. Is it that one?

21 MR. TESSEMA: Yes.

22 VICE CHAIRPERSON HART: Excellent. Okay, and  
23 we have your agent as well, Mr. Heisey?

24 MR. HEISEY: Yes. Heisey.

25 VICE CHAIRPERSON HART: Heisey. It was going

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1 to be close, I knew.

2 MR. HEISEY: That's fine, everybody gets it  
3 wrong. It's usually best just to go.

4 VICE CHAIRPERSON HART: So I'm assuming that,  
5 Mr. Heisey, you're going to be making the presentation  
6 today.

7 MR. HEISEY: Yes.

8 VICE CHAIRPERSON HART: Okay.

9 MR. HEISEY: And I'll try to keep it under  
10 three and a half hours.

11 VICE CHAIRPERSON HART: If we could, actually,  
12 just introduce ourselves for the record, please, starting  
13 with Mr. Heisey.

14 MR. HEISEY: Joel Heisey. Here, let me turn  
15 off this music. Joel Heisey, consultant to Mr. Tessema  
16 and Square and Lot LLC.

17 VICE CHAIRPERSON HART: And Mr. Tessema.

18 MR. TESEMA: Sima Tessema, the applicant with  
19 Square and Lot LLC.

20 VICE CHAIRPERSON HART: Okay. So Mr. Heisey,  
21 we would like you to go through your application just to  
22 understand how you feel you meet the zoning regulations  
23 and the relief that you're requesting. How much time do  
24 you think you'd need?

25 MR. HEISEY: Oh, I would say five to ten

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1 minutes at most. It seems like a pretty straightforward  
2 case. The only exception we need is for the use of the  
3 apartment. All of the zoning regulations are met. And as  
4 far as I know, there's no opposition.

5 VICE CHAIRPERSON HART: That was quick.

6 MR. HEISEY: Oh, you want me to keep going,  
7 okay.

8 VICE CHAIRPERSON HART: Well, just, you know.

9 MR. HEISEY: The property is an existing two-  
10 unit flat. The proposal will not change the footprint of  
11 the building. If you look at Exhibit 10, I believe that's  
12 the permit for the two unit flat. It was done by right as  
13 well. It did not need any exceptions or variances. The  
14 footprint of the existing building will be maintained,  
15 that is shown on the flat, which is Exhibit 32, and again,  
16 it meets all the other zoning requirements for setbacks  
17 and everything else.

18 The existing layout with the two unit is a  
19 basement unit and then the second unit is first, second  
20 and third. The proposed layout will be the basement unit  
21 as a two bedroom. The first floor as a two bedroom, and  
22 then the second floor has a duplex as a four bedroom unit.  
23 Both the immediate neighbors have submitted letters of  
24 support for this project. They're exhibits number 27 and  
25 28, and the ANC had a meeting in June, presented to them.

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1 They had no substantive disagreements to the proposal.  
2 They did not support it, however, because the applicant  
3 was not willing to either use a third unit as an IZ unit  
4 or contribute \$15,000 to the housing trust fund, and so  
5 they opposed it on that grounds.

6 Other than that, I don't think we've had any  
7 neighbors' opposition. Like I said, this is very  
8 straightforward. So if you have any other questions at  
9 this time, I think that's all I need to say.

10 VICE CHAIRPERSON HART: Thank you very much.

11 MR. HEISEY: I could walk through the A through  
12 H or whatever, if there are any justifications, which is  
13 Exhibit number seven. If you'd like, I could walk through  
14 each of those individually.

15 VICE CHAIRPERSON HART: In a light of time I'd  
16 like to ask the board members if they have questions with  
17 regard to the application, the information is in the  
18 record itself, so board members, or Commissioner May?

19 MEMBER MAY: Yeah, I do have a question. There  
20 was also reference to the ANC report, I think to payment  
21 of \$10,000 to compensate a neighbor for solar panels?

22 MR. HEISEY: That's if there would be solar  
23 panels there. There are no solar panels on the adjoining  
24 neighbors.

25 MEMBER MAY: Okay, so it was contingent.

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1 MR. HEISEY: Yeah, they have a standard letter.  
2 That's one of their checklists that they like to see, if  
3 somebody is affecting the neighbor, but there are no solar  
4 panels on either adjoining neighbors.

5 MEMBER MAY: Right, yeah, I've seen it on other  
6 cases and I did not see that, so I thought maybe there was  
7 one here. But, you know, Planning said there were none,  
8 so okay.

9 I also had another question. The side walls,  
10 you know, when you go up to the rooftop deck, there's a  
11 side wall, guardrail kind of thing that are above the 35  
12 foot height. And I didn't think that that was possible  
13 without setting them back. And I'm wondering was that  
14 part of the original plan that got approved, because I  
15 know that this has essentially been constructed or is  
16 under construction.

17 MR. HEISEY: Part of that I'll let Sima  
18 address. I'll address from a different side, from the  
19 zoning aspect. On another project I worked with they  
20 allowed a 4 foot wall on the property line for a rooftop  
21 deck, as long as it did not exceed 4 feet they considered  
22 that acceptable, and didn't count as --

23 MEMBER MAY: They didn't consider it a  
24 handrail, they considered it a parapet or something?

25 MR. HEISEY: No, that's what the zoning tech

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1 said. I could have 4 feet and it didn't have to set back  
2 the deck at that point.

3 MEMBER MAY: All right, I mean it's  
4 inconsistent with the way the zoning commission has set it  
5 up for things, but I'm not going to --

6 (Simultaneous speaking.)

7 MR. HEISEY: On another project, that's what  
8 the zoning tech had told me, so.

9 MEMBER MAY: All right, well I'll --

10 MR. HEISEY: Yeah, this specific case, if you  
11 want to ask, direct something to that.

12 VICE CHAIRPERSON HART: And Commissioner May,  
13 my understanding had been that the, I don't know if it was  
14 the DC RA that had decided that, I think it was, that the  
15 sides were, that because they considered them parapet  
16 walls, that they could do that.

17 MEMBER MAY: Yeah, and again, I don't think  
18 that's consistent with the intent of the zoning  
19 commission, but I'll ask the Office of Planning about  
20 that. I'm not going to -- you know, if it's already been  
21 permitted and it was shown that way on the drawings and  
22 the zoning administrator signed off on it, you know,  
23 there's nothing I can do here now, but I will bring it up  
24 with the Office of Planning and with the zoning  
25 commission.

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1 VICE CHAIRPERSON HART: Thank you. Board  
2 Member John?

3 MEMBER JOHN: I don't have any questions. I  
4 had a comment about the ANC conditions should the board  
5 approve the application. It seems that the only condition  
6 that's applicable is the parking, which the applicant has  
7 already met, based on the drawing. So any other  
8 thoughts?

9 VICE CHAIRPERSON HART: From the rest of the  
10 board?

11 MEMBER JOHN: From the board.

12 MEMBER JOHN: I guess my question is, what do  
13 we do with this ANC matter, which for the most part  
14 addresses the parking.

15 VICE CHAIRPERSON HART: I think we can look at  
16 the things that are applicable to zoning and, you know, if  
17 they're big, not in support of this, so, you know.

18 MEMBER JOHN: That's true. Yeah, okay.

19 VICE CHAIRPERSON HART: Okay, so let's listen  
20 to the Office of Planning. Yes, Mr. May?

21 MEMBER MAY: I was just going to say, if the  
22 two parking spaces are shown on the plans and will require  
23 in the order that they agree with the plans, so I think  
24 that condition is addressed. But because the ANC is in  
25 opposition, there will have to be a forward address at all

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1 their points.

2 VICE CHAIRPERSON HART: Yes, I agree, Mr. May.  
3 Also, Planning; Ms. Fothergill.

4 MS. FOTHERGILL: Good afternoon, I'm Anne  
5 Fothergill with the Office of Planning for today's case  
6 20243, and I would like to be on the record in support of  
7 the application that it meets the section criteria for  
8 conversion. In terms of Commissioner May's question,  
9 regarding the guardrail that was constructed and  
10 permitted, but yes, it was guardrails for a penthouse  
11 would meet these setbacks.

12 MEMBER MAY: Right, so I mean, you see that the  
13 guardrails are depicted as if it were a parapet wall, and  
14 that somehow that's a way to get past the setback  
15 requirement.

16 MS. FOTHERGILL: I guess it depends on how high  
17 the parapet wall is. I'm not certain what the  
18 administrator allows, but my understanding is, I guess,  
19 I'll just ask, has this been permitted and constructed?

20 MEMBER MAY: Yes.

21 MR. TESSEMA: Where is this parapet wall that  
22 you're referring to?

23 MS. FOTHERGILL: On the sides.

24 MEMBER MAY: Okay, on the side walls.

25 VICE CHAIRPERSON HART: Yeah, it looks like

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1 they are 42 inches in height so 3 and a half feet.

2           MEMBER MAY: And all 3 inches of that is above  
3 the 35 foot height. So I do think this is something that  
4 we would should address between the zoning commissioner  
5 now, because again, I don't think this is consistent with  
6 the intention of the regulations and it's -- you know,  
7 what we're winding up with is a circumstance that's even  
8 worse than the outcome of having a rail on that one  
9 because it's more massive and more obvious than a railing  
10 would be. So I think that again, the Office of Planning  
11 and the Zoning Commission need to take up this question  
12 because a solid wall, you know, there's no way -- the  
13 zoning commission said that even a handrail should be set  
14 back or the one on the side walls that making it a solid  
15 wall is somehow acceptable. I don't understand how that  
16 could possibly be or how could they interpret it that way?  
17 And, you know, I've given up on trying to, you know,  
18 change the mind of the zoning administrator but I would  
19 ask the Office of Planning to take that question under  
20 consideration and bring it back to the zoning commission  
21 to see if we need to clarify the regulations. What we  
22 need to do is to just make it, you know, do something to  
23 that setback requirement entirely. I don't know, this is  
24 probably one of the better solutions to the issue of how  
25 you put a deck on the roof, except for that it's on the

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1 wall.

2 MS. FOTHERGILL: I believe the penthouse  
3 regulations text amendment, you know, before the zoning  
4 official, coming back to the zoning official, you can  
5 certainly take a look at that.

6 MEMBER MAY: Okay, good, I don't remember  
7 what's coming, but.

8 MS. FOTHERGILL: It's in the line.

9 MEMBER MAY: Okay, thank you.

10 MS. FOTHERGILL: I'm happy to take any other  
11 questions.

12 VICE CHAIRPERSON HART: Okay, Board Member  
13 John, do you have any questions for the office?

14 MEMBER JOHN: No.

15 VICE CHAIRPERSON HART: Mr. Heisey, do you have  
16 any questions for the office?

17 MR. HEISEY: I just wanted to confirm the  
18 Office of Planning's recommendation was for approval,  
19 correct?

20 MS. FOTHERGILL: Yes, we recommend in support  
21 of the application. We recommend it, yes.

22 VICE CHAIRPERSON HART: Okay. And Mr. Young,  
23 there are no -- is someone that signed up to speak in  
24 support or opposition?

25 MR. YOUNG: I don't have anyone signed up.

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1           VICE CHAIRPERSON HART: Okay. I didn't think  
2 so, I just wanted to double-check. So it looks like, do  
3 we have any final questions for the applicant? Mr.  
4 Heisey, do you have any final statement that you would  
5 like to make?

6           MR. HEISEY: Well, like I said, this is an  
7 existing structure that's not being altered and has  
8 already been approved. Like you noted, there are no  
9 exceptions and the neighbors are in support of it, so I'd  
10 request that the board approve the application as we  
11 submitted it. Thank you.

12           VICE CHAIRPERSON HART: Thank you very much.  
13 So I'm going to close the record and I didn't know if you  
14 wanted to entertain just having a brief discussion or just  
15 wait until next week to have the discussion about our  
16 thoughts on this.

17           MEMBER MAY: I'd be happy to talk about it now.

18           VICE CHAIRPERSON HART: Sure.

19           MEMBER MAY: All right, I'll go ahead. So I do  
20 think this is pretty straightforward. I mean, I think  
21 there is the, you know, the outside issue having to do  
22 with the roof deck, but if it's already permitted and  
23 done, you know, that's not an issue before us. I do think  
24 that it's unfortunate that we have a resolution of  
25 disapproval from the ANC, because that means that we have

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1 to wait for a full order, and I don't know how long that  
2 will take to get, but ANC is, you know, on a certain  
3 level, lost purposes with their own clear mission which  
4 has to do with providing housing, providing more  
5 affordable housing, by you know, demanding a contribution  
6 to the Housing Preservation Trust Fund. Sorry, too many,  
7 mixing up my hats here while I'm talking.

8           The Housing Preservation Trust Fund, they're  
9 basically slowing down a third unit becoming available in  
10 this building. So I just, I think it's very unfortunate  
11 and, I mean, if the ANC is listening to this, I think  
12 that, you know, I admire their aspirations and the goals,  
13 but I think that their tactics are not furthering them,  
14 and in fact, in this case, at least, damaging that.  
15 Because I don't know, I mean, yes, it is possible that  
16 the applicant could agree to that, you know, additional  
17 payment, in which case I guess we could consider this  
18 fair, I guess we could move it faster, but I'm not sure  
19 that that's really the way, that kind of leverage should  
20 be used in cases like this.

21           So I was disappointed to see that. So, and  
22 even if you were to make a contribution in this  
23 circumstance, or the applicant were to make a  
24 contribution, you know, that doesn't weigh into our  
25 decision making. I mean, that's not a factor for us. Our

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1 factor just has to do with, you know, what's the test?  
2 What's the special exception test? And I think clearly  
3 this case, you know, meets all the requirements, and I  
4 would be really in favor of it when we take it up for  
5 deliberation.

6 VICE CHAIRPERSON HART: Thank you. Member  
7 John?

8 MEMBER JOHN: My thoughts are along the same  
9 line. I would just have that we're required to give great  
10 weight to the concerns that are legally relevant and  
11 (audio interference) because there's no solar panel issue  
12 and the parking is already included in the drawings, then  
13 I cannot give great weight to the concerns in the ANC  
14 resolution because they are outside the jurisdiction of  
15 the goals.

16 VICE CHAIRPERSON HART: And I would concur with  
17 both of you. I think that I would be able to support it  
18 for the reasons that you've described, and again, as  
19 Commissioner May said, it's kind of unfortunate that the  
20 ANC was, you know, not in support of this, but for the,  
21 you know, the contribution to the Housing Trust Fund.

22 So anyhow, I will close the record and I guess  
23 we will close the rest of the case. We will have to make  
24 a decision. Actually, we can't make a decision now, we  
25 will have to make a decision next week. But Mr. Tessema

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1 and Mr. Heisey, we kind of understand where we are with  
2 this, and we will have our decision next Wednesday. So  
3 thank you all very much.

4 MR. HEISEY: I appreciate that. Just do you  
5 have any sense of how long a full order might take?

6 VICE CHAIRPERSON HART: I'm honestly not sure.  
7 It's taken quite a long time, and I would suggest that you  
8 talk to the Office of Planning once we, you know, end.  
9 Maybe call them tomorrow and you can find out where they  
10 are with, you know, the backlog of cases.

11 MR. HEISEY: I just wanted to get some kind of  
12 an approximate.

13 VICE CHAIRPERSON HART: Yeah. It has varied,  
14 so it's hard for me to give you that. I don't want to say  
15 that and then, you know, it won't, so. All right, thank  
16 you. Yes?

17 MR. HEISEY: Did you say follow up with the  
18 Office of Planning? I thought --

19 VICE CHAIRPERSON HART: I'm sorry, Office of  
20 Zoning. I didn't mean Office of Planning.

21 MR. HEISEY: I got it, I got it. Just wanted  
22 to make sure.

23 VICE CHAIRPERSON HART: Somebody, just  
24 somebody, anybody. Thank you very much.

25 MR. HEISEY: Lucky to get anybody to answer a

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1 phone, right?

2 VICE CHAIRPERSON HART: It's hard nowadays.

3 But thank you all very much.

4 MR. HEISEY: Thank you.

5 VICE CHAIRPERSON HART: So Mr. Moy, I think we  
6 can move to our next case.

7 MEMBER JOHN: Mr. Vice Chair?

8 VICE CHAIRPERSON HART: Yes.

9 MEMBER JOHN: I have a question for Mr. Moy.  
10 Did we in the 20186K offer OP an opportunity to file a  
11 supplemental report? I don't think we did that, and I'm  
12 not sure how we address it.

13 MR. MOY: No, no, you did not at all, but if  
14 you wish to do that I can include that in the record, that  
15 they can file a supplemental report.

16 MEMBER JOHN: Okay.

17 (Simultaneous speaking.)

18 VICE CHAIRPERSON HART: Yes, yes, good idea.  
19 Thank you for catching that for me, Ms. John. Okay, so I  
20 guess we are at 20245.

21 MR. MOY: Yes, so Case Application No. 20245.  
22 Christopher Astilla, A-S-T-I-L-L-A. Applies for special  
23 exceptions under subtitle E section 5201 from the lot  
24 occupancy requirements Subtitle E section 304.1, from the  
25 rear addition requirements Subtitle E, section 205.4, to

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1 construct a two-story rear addition to the existing  
2 attached principal dwelling unit RF-1 Zone at 216 14th  
3 Place, NE (Square 1055, Lot 31).

4 VICE CHAIRPERSON HART: Thank you, Mr. Moy. It  
5 looks like we are getting some folks added here. We have  
6 Ms. Brittingham as an agent, and Mr. Astilla and Ms.  
7 Astilla as well. I think we have everybody here. If you  
8 could, just introduce yourselves, starting with Ms.  
9 Brittingham.

10 MS. BRITTINGHAM: Sure. Hi, my name is Lacy  
11 Brittingham. I am an architect and agent for the case, of  
12 the home owner. And do you need my address as well? It's  
13 1134 B Street NE.

14 VICE CHAIRPERSON HART: Thank you. And I  
15 assumed that it was Mr. And Mrs. Astilla, so apologies if  
16 it is not.

17 Mr. ASTILLA: That is correct. My name is  
18 Christopher Astilla. I'm a resident at 216 14th Place,  
19 and this is my wife.

20 MS. ASTILLA: Hello.

21 VICE CHAIRPERSON HART: Hello, how are you?

22 MS. ASTILLA: Good. How are you?

23 VICE CHAIRPERSON HART: Welcome. So, Ms.  
24 Brittingham, I'm assuming you're going to be giving the  
25 presentation to us?

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1 MS. BRITTINGHAM: Yes.

2 VICE CHAIRPERSON HART: Ten minutes?

3 MS. BRITTINGHAM: That should be more than  
4 enough, yeah.

5 VICE CHAIRPERSON HART: Excellent. Mr. Young,  
6 if you could put ten minutes on the board, please, just so  
7 I know where we are. And if you could go through how your  
8 needing the relief that you're requesting, that would be  
9 helpful.

10 MS. BRITTINGHAM: Sure.

11 VICE CHAIRPERSON HART: And you can begin when  
12 you like.

13 MS. BRITTINGHAM: Okay. Thank you, Mr. Vice  
14 Chair and hello, members of the board, our application is  
15 proposing a rear two-story addition at the existing dual-  
16 family row home at 216 14th Place NE. To construct this  
17 addition we would first demolish an existing single-story  
18 rear addition that was constructed sometime in the '70s or  
19 '80s, and as shown in the photograph for the case file.  
20 We have E 304.1 for lot occupancy and E 205.4 to go more  
21 than 10 feet beyond the rear wall of the adjacent neighbor  
22 at 214 14th Place NE.

23 The proposed lot occupancy of 64.9 percent and  
24 the relief requested from E 205.4 is required at this time  
25 based on the fact that the ongoing construction next door

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1 has not yet filed their wall check with the CRA. So I had  
2 submitted a letter explaining that date of the  
3 construction next door into the case file and included a  
4 photograph. Is that something that needs to be addressed  
5 by a motion for the 21 days? Because that was on June  
6 22nd that I submitted the letter.

7 VICE CHAIRPERSON HART: You're saying because  
8 it was within that time period.

9 MS. BRITTINGHAM: Correct.

10 VICE CHAIRPERSON HART: I think we can. I  
11 don't have a particular issue with that. I think it's  
12 helpful to have that information. We understand that  
13 things are somewhat, you know, sometimes they are changing  
14 and you have to kind of address that. I don't know if the  
15 board members had any other thoughts on that? Waiving the  
16 21 days filing deadline.

17 MEMBER MAY: I don't see an issue with that,  
18 but I mean, does it really have any bearing? At the  
19 moment you're requesting the relief. If there was a wall  
20 check you wouldn't need that relief, but you'd still need  
21 other relief, right?

22 MS. BRITTINGHAM: Correct, yes. But we did not  
23 amend our application to remove that relief, which was our  
24 original plan. So right now it's still being requested,  
25 but to make sure I could reference the letter that I

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1 submitted in that photograph as well.

2 MEMBER MAY: I think that's fine.

3 MS. BRITTINGHAM: Okay. Okay. So regarding  
4 the burden of proof, the proposed addition has a very low  
5 request at 4.9 percent above the by-right lot occupancy.  
6 The existing house to the north at 218 14th Place  
7 currently extends about 8 feet beyond the existing rear  
8 walls at the subject property. Once the proposed  
9 construction is built their house will still extend two  
10 feet beyond the construction at 216. The house to the  
11 south at 214, as I mentioned, has the construction  
12 ongoing. I did present a presentation, the photograph of  
13 the current state of that construction from the back of  
14 the house. If it's desired we can bring it up as part of  
15 the presentation.

16 When that is built, our proposed construction  
17 will only be about 5 feet beyond that new rear wall of  
18 that house, so we are asking currently for the relief to  
19 go 10 foot 2 inches beyond their -- what was there until  
20 it was demolished, at the back of the house, so you know,  
21 it's a very low level of request for going beyond the 10  
22 feet, and as mentioned, it would go away as soon as they  
23 file their wall check.

24 We have retained the dog leg at both levels of  
25 our proposed construction, which further makes available

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1 light and air to the rear of this group of houses.  
2 Regarding the privacy use and enjoyment of neighboring  
3 properties, our proposed addition has no new windows  
4 proposed on the north or south side of the building, so  
5 there are no views into the neighbors' yards that are  
6 being added or proposed. The existing privacy fence will  
7 remain. If any section of it comes down during  
8 construction, it will go back, so that the existing use  
9 and enjoyment of the backyard for neighbors will not be  
10 changed from what they currently experience in their  
11 backyard.

12           And then the last piece addressing the  
13 characteristics (audio interference) proposed addition in  
14 relation to the neighborhood, we are proposing a two-story  
15 rear addition, which is very much in line with everything  
16 else that is existing and historically was constructed in  
17 this part of Capitol Hill. We are maintaining the dog  
18 leg, as previously mentioned, so you know, that's an  
19 important component of row houses too and the pattern of  
20 development. So I feel that we have addressed that  
21 requirement to meet the style and character and pattern of  
22 the neighborhood.

23           In summary, we believe we've met the  
24 requirements for burden of proof. We have signed letters  
25 of support from both adjacent neighbors. We have the

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1 support of the ANC and the Office of Planning, and you  
2 know, I'm happy to answer questions if you have -- and of  
3 course, we can bring up the drawings if you have any  
4 questions about the actual design.

5 VICE CHAIRPERSON HART: Thank you very much.  
6 Do the board members have any questions for Ms.  
7 Brittingham? Mr. May? We can't hear you.

8 MEMBER MAY: I was doing so good with that  
9 today.

10 VICE CHAIRPERSON HART: There's always once.

11 MEMBER MAY: I blew it. I was on a roll. All  
12 right, so I do have a question about the maintenance of  
13 the dog leg. And so it might be helpful to see the plans.  
14 Mr. Young, maybe you can bring the plan up. Yeah, okay,  
15 so if we can just zoom into on what we see there on that  
16 drawing. It's probably sufficient. Just on the addition  
17 itself.

18 VICE CHAIRPERSON HART: A little closer,  
19 please.

20 MEMBER MAY: I can talk to that, yeah, that's  
21 good. So in the back, I mean, I know you're maintaining  
22 the dog leg, but there are projections into the dog leg  
23 off of the new addition. And I know it goes further on  
24 the second floor than on the first floor, so there's a  
25 little bit of a cantilever there.

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1           But I'm curious about that because it's been a  
2 long time since I've done a case that's exactly like this  
3 or received a circumstance where something projects into  
4 the dog leg like that. And is that, I mean, is that  
5 additional projection into the dog leg space, that doesn't  
6 trigger the need for any further relief, does it?

7                   MS. BRITTINGHAM: Are you asking me?  
8 I don't believe it does. I don't believe it does.

9                   MEMBER MAY: Okay, I mean, so what do you have  
10 to maintain into that dog leg space? Because I thought  
11 you couldn't make it any narrower than the existing if the  
12 existing is less than a certain dimension, but I can't  
13 remember what those dimensions are nowadays.

14                   MS. BRITTINGHAM: For the second floor?

15                   MEMBER MAY: Or for the first floor.

16                   MS. BRITTINGHAM: So the first floor we're  
17 maintaining the width that is there currently.

18                   MEMBER MAY: Okay.

19                   MS. BRITTINGHAM: And second floor, I'm not  
20 aware of a regulation that says the second floor cannot  
21 project over. We are only pulling it -- we're not  
22 extending the first floor in order to maintain the egress  
23 from the basement and the stairway.

24                   MEMBER MAY: Right.

25                   MS. BRITTINGHAM: And the second floor, if it

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1 becomes a code issue to do the (audio interference) for a  
2 wall less than 5 feet from the property line.

3           MEMBER MAY: Okay. All right, I mean, you  
4 know, that's fine. I mean, like I said, it's a little bit  
5 unusual, and my memory on this is a little sketchy. I  
6 just wouldn't want you to have a complication further on  
7 in the process. So I think I'll ask the same question of  
8 the Office of Planning, what they think, and whether any  
9 sort of relief might be needed for that. I don't even know  
10 what relief would be needed or whether it's a special  
11 exception or a variance, if it does need anything. I just  
12 don't want you to get hung up later on. All right.

13           MS. BRITTINGHAM: Can I say one more thing?

14           MEMBER MAY: Yeah.

15           MS. BRITTINGHAM: I mean, it's not a closed  
16 court, and the open court requirements were renewed for  
17 single family homes, row houses with the new zoning, so,  
18 again, I'm not aware of any requirements about  
19 projections.

20           MEMBER MAY: Okay, and you could be perfectly  
21 right, I just, I don't know that I've even seen a case  
22 like this since we changed the zoning regulations. We  
23 changed a lot of things with the zoning regulations, but  
24 it was a lot of small things. I can't necessarily  
25 remember every one, so that's why I'm asking. All right,

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1 thank you.

2 VICE CHAIRPERSON HART: Okay, Board Member  
3 John, do you have any questions?

4 MEMBER JOHN: No questions.

5 VICE CHAIRPERSON HART: Thank you. I think we  
6 can move to the Office of Planning. Good afternoon, Ms.  
7 Thomas.

8 MS. THOMAS: Yes, good afternoon, Mr. Chairman,  
9 this is the fourth conference for the Office of Planning.  
10 The case number 20245. We are in support of this  
11 application. And we'll sending a record of our report on  
12 to answer Mr. May's question regarding that projection. I  
13 believe (audio interference) if it doesn't project 4 feet,  
14 more than 4 feet into the outside area it should be fine,  
15 but we don't have side yards in RF zone so it would be  
16 counted as code.

17 VICE CHAIRPERSON HART: Okay. All right,  
18 thanks.

19 MR. MAY: Like I said, I'm mostly concerned  
20 about making sure that we're covering all the points that  
21 need to be covered because I wouldn't want to get hung up  
22 later.

23 VICE CHAIRPERSON HART: Thank you. Does the  
24 applicant have any questions for the Office of Planning?

25 MS. THOMAS: No, we don't.

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1 VICE CHAIRPERSON HART: No, okay. Board  
2 members, I don't think have any questions for the Office  
3 of Planning? Okay. And Mr. Young, I don't think we have  
4 anyone that's signed up for the case.

5 MR. YOUNG: I do not have anyone.

6 VICE CHAIRPERSON HART: Okay. Ms. Brittingham,  
7 do you have any final comments that you'd like to make in  
8 conclusion?

9 MS. BRITTINGHAM: No, not at this time.

10 VICE CHAIRPERSON HART: Thank you very much,  
11 and I think I will close the record and close the hearing.  
12 Do the board members want to have a short deliberation on  
13 this case as well? I can start if that's fine. I didn't  
14 have any particular issue with this case. I thought it  
15 was fairly straightforward. I appreciate the additional  
16 information about the next door neighbor, but you know,  
17 right now we have to kind of go with where we are and it's  
18 fine that you actually have the requests in the record  
19 now. So I think that I will be able to support the  
20 application. I don't know if my fellow board members had  
21 anything to add to that.

22 MEMBER JOHN: No, I don't have very much to  
23 add. I agree that we review the application based on the  
24 existing conditions, and the relief requested is minimal  
25 and the application is fairly straightforward, so I

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1 believe I would be able to support the application.

2 VICE CHAIRPERSON HART: Anything else that  
3 you'd like to add, Mr. May?

4 MEMBER MAY: No, I agree on all points and I  
5 will be prepared to go to favor unless we hear something  
6 wildly different in the next meeting.

7 VICE CHAIRPERSON HART: Exactly. So, Thank you  
8 very much for both the Astillas and as well as Ms.  
9 Brittingham. Thank you for the presentation and you all  
10 have a good afternoon.

11 MR. ASTILLA: Thank you very much.

12 MS. ASTILLA: Thank you.

13 MS. BRITTINGHAM: Thank you.

14 VICE CHAIRPERSON HART: Take care.

15 MR. ASTILLA: Bye.

16 VICE CHAIRPERSON HART: Okay, let's move to  
17 case No. 20247, Mr. Moy.

18 MR. MOY: All right, thank you Mr. Chairman.  
19 So in that case the record is closed, and set for a  
20 decision next week, July the 15th.

21 VICE CHAIRPERSON HART: Yes, I'm sorry, I'm  
22 glad that you mentioned that.

23 MR. MOY: No, no, I like to say it clearly for  
24 our guests. So anyway, so before the boards take  
25 application No. 20247, is it pronounced Reneau? R-E-N-E-

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1 A-U, Randolph LLC, pursuant to 11 DCMR Subtitle X, Chapter  
2 9 for a special exception under the RF-use requirements of  
3 Subtitle U Section 320.2, to permit the conversion of an  
4 existing attached principal dwelling unit into a three-  
5 unit apartment house RF-1 Zone at premises 1317 Randolph  
6 Street, NW (Square 2824, Lot 6). Good afternoon, Ms.

7 Wilson. How are you?

8 MS. WILSON: I'm doing well. How are you  
9 doing?

10 VICE CHAIRPERSON HART: Excellent. If you  
11 could, just introduce yourself, and, well, just introduce  
12 yourself.

13 MS. WILSON: Sure. Alex Wilson, from Sullivan  
14 and Barros on behalf of the applicant, and I'm land use  
15 attorney for the project.

16 VICE CHAIRPERSON HART: Okay. And do you have  
17 -- is Mr. Kune going to be joining you?

18 MS. WILSON: Yes, he should be. I think he's  
19 calling in.

20 MR. KUNE: I'm here. If you can hear me I'm  
21 here by phone.

22 VICE CHAIRPERSON HART: I can hear you. Thank  
23 you very much. I just wanted to make sure. I saw that  
24 you were listed as the architect and I didn't see your  
25 name so I had to ask.

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1 MR. KUNE: Okay. I'll be on mute until you  
2 need me.

3 VICE CHAIRPERSON HART: Excellent, Thank you  
4 very much. So Ms. Wilson, if you could, just step through  
5 how you think you or your client is needing the relief  
6 that you're requesting.

7 MS. WILSON: Sure.

8 VICE CHAIRPERSON HART: Ten minutes?

9 MS. WILSON: Plenty of time, yeah.

10 VICE CHAIRPERSON HART: Thank you.

11 MS. WILSON: And we do have a presentation if  
12 Mr. Young could bring that up. All right, thank you.  
13 Could you give us the next slide, please.

14 So the subject property is improved with a two-  
15 story single family dwelling, and the applicant is  
16 proposing to construct a third story addition and a three-  
17 story rear addition. The third story will be set back  
18 from the front facade and the existing front facade is not  
19 changing. The rear will not extend more than ten feet  
20 past the adjacent property, so we are not asking for any  
21 waivers, but we are asking for relief for the conversion  
22 to three units.

23 Next slide, please. So this slide and the next  
24 few slides just provide some context. If you could go to  
25 the next slide. There have been a number of conversions

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1 and additions recently on this block in the last couple  
2 years, including the property next door. The next slide  
3 shows photos of the rear, and the second photo shows how  
4 far the adjacent property at 1319 already extends. And  
5 the addition is just going to match that length. And both  
6 adjacent neighbors are in support of the project.

7           Could you please skip to slide eight. So the  
8 applicant is proposing to demolish an existing rear  
9 addition which measures about ten feet, and construct a  
10 new three-story 21 foot and 2 inch addition at the rear  
11 for a total of 11 feet and 2 inches in overall building  
12 length. The third story addition will be set back seven  
13 feet from the rear of the existing Mansard roof, and 10  
14 feet and 4 inches from the front of the building, and  
15 there will be no modifications to the current facade.

16           The applicant intends to demolish the existing  
17 garage at the rear and replace it with a roll-up door and  
18 two parking spaces, and due to that demolition the lot  
19 occupancy will only increase by 3 percent, from 50 percent  
20 to 53 percent. Next slide please. This slide and the  
21 next few slides show the existing proposed front and rear  
22 facades.

23           Next slide please. The project was designed to  
24 preserve the front facade and if you can see the next two  
25 slides, the existing rear facade is much shorter than the

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1 adjacent properties, and that rear facade is not original.  
2 It's part of an old addition, so we are replacing that.

3           If you could move to slide 14, please. The  
4 application meets the general special exception  
5 requirements as the project is in harmony with the general  
6 purpose and intent of the zoning regulations when zoning  
7 that, and the project will not tend to adversely affect  
8 the use of neighboring property. Next slide please. The  
9 application also meets the standard for relief of U 320.2  
10 as the height is limited to 35 feet, the IZ requirements  
11 don't apply, and there is an existing residential  
12 structure on the property.

13           Next slide please. The subject property has  
14 the requisite square footage for three units, and the  
15 addition does not extend more than ten feet past the rear  
16 walls of the adjoining neighbors. It is going to be in  
17 line with 1319 Randolph and only 8 feet and 2 inches past  
18 the rear wall of 1315 Randolph. The addition will not  
19 block any chimneys nor will it interfere with any solar  
20 panels.

21           Next slide please. As I mentioned, there will  
22 be no modifications to the front facade or any original  
23 rooftop element. And that third story is set back from  
24 the Mansard roof and front facade. Next slide please.  
25 Regarding light and air, the total allotted occupancy is

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1 only increasing by 3 percent. The addition itself only  
2 extends the building by 11 feet and will be in line with  
3 1319 Randolph. The physical addition to the building is  
4 permitted as a matter of right since we are not requesting  
5 any waivers. Accordingly, the addition will not unduly  
6 affect the light and air available to neighboring  
7 properties.

8           Next slide please. Regarding privacy, proposed  
9 addition does not have any windows facing either building  
10 and the applicant is only proposing one more dwelling unit  
11 than would be permitted as a matter of right, which is  
12 unlikely to create additional noise or privacy issue.

13 Next slide. There has been a number of recent additions  
14 and building extensions in the surrounding area, including  
15 the directly adjoining building. Accordingly, the houses  
16 in this area are no longer homogenous, regardless, the  
17 applicant has designed the addition to respect and  
18 preserve the existing architecture of the current facade.

19           Regarding the view from the rear, the applicant  
20 is proposing to remove a portion of the existing rear that  
21 is not original to the house and replace it with a new  
22 addition. And the applicant is also proposing to remove  
23 that garage, which should improve the view from the alley  
24 as the garage is very old. If you could skip to slide 23,  
25 please. The applicant attended several ANC meetings and

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1 originally the ANC voted to oppose, as the previous  
2 applicant did not agree to all conditions. The property  
3 was subsequently conveyed to the new applicant and the new  
4 applicant has agreed to all of the ANC conditions, so we  
5 now have unanimous ANC support.

6 In conclusion, OP is recommending approval.  
7 DDOT has no objection. Both adjacent neighbors are in  
8 support and the ANC has voted unanimously to support.  
9 Thank you.

10 VICE CHAIRPERSON HART: Thank you very much.  
11 Do the board members have any questions for Ms. Wilson?

12 MEMBER MAY: I do have one question. So, yes,  
13 the ANC voted to support, but it listed a long set of  
14 conditions. So, is your testimony that the applicant has  
15 agreed to every one of those conditions?

16 MS. WILSON: Correct, we have agreed to all of  
17 the conditions.

18 MEMBER MAY: Okay. Mr. Chairman, I have a  
19 question for Ms. Nagelhout about that, and how we were  
20 driving a letter of support, when we get to that moment.

21 VICE CHAIRPERSON HART: That's fine. Member  
22 John, do you have any questions for Ms. Wilson?

23 MEMBER JOHN: No.

24 VICE CHAIRPERSON HART: Okay. It looks like we  
25 have the Office of Planning, Miss Elliott.

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1 MS. ELLIOTT: All right, good afternoon Mr.  
2 Vice Chair, and members of the board. I'm Brandice  
3 Elliott representing the Office of Planning for Case  
4 20247, 1317 Randolph Street. The Office of Planning is  
5 supporting the requested relief for the apartment house  
6 conversion. And we'll say on the record of our report,  
7 but I'm happy to answer any questions you have.

8 VICE CHAIRPERSON HART: Thank you very much.  
9 Do the board members have any questions for the Office of  
10 Planning? Does the applicant have any questions for the  
11 Office of Planning?

12 MS. WILSON: Thank you.

13 VICE CHAIRPERSON HART: Thank you very much,  
14 Ms. Elliott. Does the applicant have any final words, any  
15 final comments that they'd like to make?

16 MS. WILSON: No, thank you.

17 VICE CHAIRPERSON HART: Okay, so Commissioner  
18 May you had a question, and probably need to ask OAG Ms.  
19 Nagelhout. This is with regard to the ANC report in which  
20 they have a number of conditions that are not pertinent  
21 per se for our purposes. I don't know if you wanted to  
22 add to that Commissioner May.

23 MEMBER MAY: Yeah, so I mean, essentially I  
24 want to understand whether we can regard that letter with  
25 those conditions as truly being a letter of support or

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1 whether we -- in other words, allowing us to do a summary  
2 order for the case or whether, because there are these  
3 conditions that are, you know, outside our purview, again,  
4 are there any complications with that. And I raise this  
5 just because there's some odd language in the ANC's  
6 letter, you know, welcoming outreach from the BZA that  
7 confirm that these conditions have been met. You know, I  
8 don't know what they mean by that, at what point they  
9 think we'll be reaching out to them, but it's just oddly  
10 worded, so I was curious about Ms. Nagelhout's from that  
11 matter.

12 MS. NAGELHOUT: Okay, well, for purposes of a  
13 summary order, that requirement for a full order comes  
14 from the DC EPA and it says you have to do a full order  
15 with planning satisfactions on when a decision is adverse  
16 to any party. So if you have an ANC report that's not in  
17 opposition, I would think for legal reasons there's no  
18 impediment there for a summary order. That's one issue.

19 The other issue is, for purposes of your  
20 decision, the board has to give great weight to the  
21 legally issues relevant issues and concerns raised by the  
22 ANC. So you give great weight to recommendation of OP,  
23 but to the issues and concerns raised by A, B, and C,  
24 which means you don't necessarily have to, you know, vote  
25 the same way the ANC did or accept their recommendation or

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1 agree with their recommendation. You just have to  
2 acknowledge their comments and if they're outside of the  
3 board's purview or not otherwise relevant, they're not  
4 very helpful to you. I don't know if I can say anything  
5 more than that.

6 MEMBER MAY: Yeah. I mean, it sounds like, if  
7 we were to decide in favor of this, it's likely that we  
8 couldn't still do a summary order.

9 MS. NAGELHOUT: I think, just within the APA,  
10 yes, you could.

11 MEMBER MAY: Yeah, all right.

12 VICE CHAIRPERSON HART: Thank you very much. I  
13 should close the hearing and also the close the record and  
14 close the hearing. Does the board want to have some  
15 deliberation on this?

16 Okay. I can start. I thought that I would be  
17 able to agree with the Office of Planning report and I  
18 understand, you know, the concern that you brought up,  
19 Commissioner May, about you know, the ANC reports, but  
20 they were in support of the application and I didn't have  
21 a whole lot to add to that. I saw this as being  
22 a fairly straightforward case. Anyone else want to?

23 MEMBER MAY: I agree, it's very  
24 straightforward, and the issue with summary order or not  
25 was mostly to sort of understand this. This is the second

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1 time that this has come up in this ANC today, and I'm  
2 curious about, you know, how these sorts of conditions and  
3 cases get played out. I'm glad that there was a second  
4 ANC letter which superseded the first. It showed the  
5 support. Because in another case there was, you know, if  
6 all we had was the first one which said that they oppose  
7 it because of these reasons, because the conditions  
8 haven't been met or whatever, it could have been a gray  
9 situation. So I'm glad we have a revised ANC order.  
10 Again, I would say I don't necessarily agree with that  
11 strategy on the part of the ANC, but in this case they are  
12 satisfied, and certainly from a zoning perspective there's  
13 nothing wrong with this proposal.

14 VICE CHAIRPERSON HART: Member John.

15 MEMBER JOHN: So, I share Commissioner May's  
16 concerns about these conditions from ANC that are not  
17 legally relevant to the zoning decision in that it appears  
18 to me, I don't know what the intention is, one never  
19 knows, but that these are conditions that if the applicant  
20 does not consent then the ANC will oppose the application.  
21 And I have an issue with opposing an application for  
22 issues that are not legally relevant so that's it. I can  
23 support the application because I believe the applicant  
24 has shown how the application meets the criteria for  
25 relief, and note that repeat analysis confirms that the

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1 applicant has met the criteria. So I would be able to  
2 support the application when we get to the point where we  
3 can vote.

4 VICE CHAIRPERSON HART: Thank you. And thank  
5 you all, Ms. Wilson, for your presentation and I guess we  
6 will make a decision on this next week, or we'll make our  
7 final decision on this next week.

8 MS. WILSON: All right, thank you all so much.

9 VICE CHAIRPERSON HART: Okay. Let's see, we  
10 are at, if you could call the next case, Mr. Moy. We're  
11 at 20248. You're muted.

12 (Simultaneous Speaking.)

13 MR. MOY: Man, that's strike three for me.  
14 That's three on me. I'm keeping my own record here. I'm  
15 ahead of you guys.

16 Okay, once again. Case application No. 20248  
17 of Hilary Hansen. Caption advertised for special  
18 exceptions under Subtitle E, section 5201 from the lot  
19 occupancy requirements of Subtitle E, section 304.1 rear  
20 yard requirements, Subtitle E, section 306.1 confirming  
21 nonconforming structure requirements Subtitle C, section  
22 202.2 to construct a two-story rear addition to an  
23 existing semi-detached principal dwelling unit in the RF-1  
24 zone at premises 1006 Tenth Street NE (Square 931, Lot  
25 25).

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1           VICE CHAIRPERSON HART: Okay, it looks like we  
2 have our folks here. Ms. Fowler, good afternoon, thank  
3 you.

4           MS. FOWLER: Good afternoon.

5           VICE CHAIRPERSON HART: If you could, just  
6 introduce yourself and you can make your presentation as  
7 you'd like. Ten minutes, is that appropriate for you?

8           MS. FOWLER: That should be fine, yeah, thank  
9 you. Okay, hello everybody, I'm Jennifer Fowler, I'm the  
10 architect responsible for the project. I'm representing  
11 home owners. My address is 1819 D Street SE.

12                   So this project is at 1006 Tenth Street NE.  
13 It's an existing single family row house on the end of the  
14 row houses, and the proposal is to remove an existing  
15 garage that's at the rear of the property. Currently  
16 we're at 68.7 percent, but we're moving the garage, it  
17 brings down our occupancy to then be able to put a rear  
18 addition on the house. The proposal is for a two-story  
19 rear addition.

20                   The first floor extends eight feet past  
21 adjacent neighbor, and then the second floor actually  
22 cantilevers out a couple feet beyond that. So when you  
23 see the site plan you see there's a 10 foot kind of  
24 footprint, it's actually from beyond 1008 and it's 10 feet  
25 beyond the rear wall of this particular house. That would

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1 be kind of the second floor full footprint. We're also  
2 proposing a deck kind of out beyond that, that is below  
3 the 4 foot cutoff, that's not counting towards the  
4 occupancy, and we're going to have a parking space at the  
5 rear, like a perpendicular spot to kind of replace the  
6 garage that was there before.

7           And we're asking for relief for a couple of  
8 things with the lot. As you can see, because we're over  
9 60 percent, so our proposed is 16.7, so we're only going  
10 up about a percentage point with the change because of the  
11 garage. But we're also asking for reduction in the rear  
12 yard from the alley that is set back from the rear yard,  
13 which is currently about 27 feet. We're going to be  
14 reducing it to 17.38 feet.

15           So those are the two elements we're looking  
16 for, so again, it's a pretty straightforward rate, very,  
17 very small addition. We've shared plans with the  
18 neighbors. We have letters of support. We have the  
19 adjacent neighbor at 1008's support, and that is the one,  
20 the neighbor that would be kind of more impacted because  
21 it sits to the north of this property. We've also shared  
22 plans with 1010 and with the neighbors at 918, which are  
23 to the south, and we haven't had anybody, you know, have  
24 any issues with the project. We also have support from  
25 the registration society, Office of Planning, as well as

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1 the ANC 6A has supported the project.

2 So with that I'll just put that on the record  
3 and let me know if you have any questions.

4 VICE CHAIRPERSON HART: Thank you very much, I  
5 just realized I was muted. Do the board members have any  
6 questions for the applicant? Is that a yes?

7 MEMBER MAY: Yes.

8 VICE CHAIRPERSON HART: Okay, Commissioner May.

9 MEMBER MAY: A couple quick ones. So you said  
10 that you shared the plans with the neighbors to the south.

11 MS. FOWLER: Yes.

12 MEMBER MAY: I didn't catch the house numbers,  
13 but it's the ones that are directly, let's see --

14 MS. FOWLER: They're on K Street.

15 MEMBER MAY: Yeah, there are three.

16 MS. FOWLER: Yeah. The house at 922 on the  
17 corner is vacant.

18 MEMBER MAY: Okay.

19 MS. FOWLER: And then the homeowner shared  
20 plans with 918 and 920. 918 is the one that's the most  
21 impacted, but she didn't ever get a signature from  
22 anybody, but they were notified of the project.

23 MEMBER MAY: Okay. And they didn't -- there  
24 was basically no responses but you have confirmed  
25 notification.

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1 MS. FOWLER: Correct, yeah. And 918 has been  
2 expanded as well. I think it might be a two unit, so  
3 they're actually -- the rear of their house is, it's not  
4 even close to the required setback there. So I think it's  
5 reasonable request.

6 MEMBER MAY: Okay, I have one other more sort  
7 of tectonic issue which is you call the house AZEK trim  
8 in particular. And I don't know what colors you're  
9 planning on painting them, but I would caution you that  
10 AZEK trim expands and contracts a lot more than wood trim  
11 and you have to paint it a very light color if you hope to  
12 use it successfully. And I know this because I've been  
13 fighting a battle with the AZEK trim on my house since it  
14 was put in probably 15 years ago.

15 MS. FOWLER: So the dark color will show,  
16 you'll see more of the --

17 MEMBER MAY: No, it causes it to absorb much  
18 more heat and so much more thermal expansion and  
19 contraction, and so the joints are always opening up.

20 MS. FOWLER: Okay, yeah, yeah. Thank you.

21 VICE CHAIRPERSON HART: So actually I did have  
22 one question, Ms. Fowler. You said that you talked to or  
23 the applicant talked to, or I'm sorry, the owner talked to  
24 920?

25 MS. FOWLER: I believe so, yes.

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1           VICE CHAIRPERSON HART: Because that's kind of  
2 like, and I guess this is not a necessity, but it is kind  
3 of blocking up the rest of the back of their yard. I  
4 mean, they had at least one little area that was kind of,  
5 you know, not blocked off from there and they didn't raise  
6 any particular concern, or how do you characterize that?

7           MS. FOWLER: You know, I wish I had the  
8 homeowner on, but she's not available to join us, but we  
9 did go through the ANC process. This was actually one of  
10 the last in-person ANC meetings we did, and it was posted  
11 and her response as far as outreach was, you know, ANC  
12 deemed it appropriate and they were willing to move on  
13 even though we didn't have a signature. So she did make  
14 her best efforts, I believe, to reach out.

15           VICE CHAIRPERSON HART: Sure. Okay, I didn't  
16 have any other questions. Board Member John, do you have  
17 any questions for Ms. Fowler? Okay. Let's move to the  
18 Office of Planning.

19           Good afternoon, Ms. Myers.

20           MS. MYERS: Good afternoon. For the record and  
21 for my Office of Planning, the Office of Planning is  
22 recommending approval and we are standing on the record of  
23 our staff report.

24           VICE CHAIRPERSON HART: Okay. Are there any  
25 questions from the Board for the Office of Planning?

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1 Okay. Ms. Fowler, do you have any questions for the  
2 Office of Planning?

3 MS. FOWLER: No, thank you.

4 VICE CHAIRPERSON HART: Do we have -- I guess  
5 we don't have anyone that is signed up to speak, Mr.  
6 Young?

7 MR. YOUNG: We do not.

8 VICE CHAIRPERSON HART: Okay. Ms. Fowler, do  
9 you have any final comments that you'd like to make?

10 MS. FOWLER: No additional thoughts, thank you  
11 so much.

12 VICE CHAIRPERSON HART: Thank you. So seeing  
13 as we're not requesting any information, I will close the  
14 record and also close the hearing. I could start the  
15 discussion, the deliberation, if the board members are  
16 ready to do so. Okay.

17 I did not have a particular issue with this. I  
18 think it was helpful to understand the kind of reaching  
19 out to the neighbors that are adjacent to the property and  
20 we did not actually receive any letters in opposition if I  
21 remember correctly. And we have the ANC report that is in  
22 support of the application. I don't have much else in  
23 that. I would agree with Office of Planning report and I  
24 would be able to support the application. Do my fellow  
25 board members have anything else that they'd like to add?

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1 MEMBER MAY: Nope.

2 VICE CHAIRPERSON HART: Okay. So as you are  
3 aware of, Ms. Fowler, we have to wait until the final  
4 decision, but you could hear at least some of our thoughts  
5 on this, and our final decision will be scheduled for next  
6 Wednesday, which is the 15th. okay?

7 MS. FOWLER: Great. Thank you.

8 VICE CHAIRPERSON HART: Thank you all. Thank  
9 you very much. All right, Mr. Moy, it looks like we're  
10 moving right along.

11 MR. MOY: Yes, yeah, you're going too fast, Mr.  
12 Vice Chair.

13 VICE CHAIRPERSON HART: Well, if the first case  
14 took like three hours I'm trying to --

15 (Simultaneous Speaking.)

16 MR. MOY: Yeah, I know. This is application 2  
17 of William and Karen Quarles. This is a request for  
18 special exception under Subtitle E, section 5201, from the  
19 rear addition requirements of Subtitle E section 205.4,  
20 from the lot occupancy requirements of Subtitle E, section  
21 304.1, and from the nonconforming structure requirements  
22 of Subtitle C section 202.2, to construct a two-story rear  
23 addition to an existing attached flat in the RF-1 Zone.  
24 This is at premises 216 9th Street, NE (Square 917, Lot  
25 113).

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1 VICE CHAIRPERSON HART: Thank you very much.  
2 So, look who we have here. It's Ms. Fowler again.

3 MS. FOWLER: Yeah I like to pair my projects,  
4 so it makes it really efficient for everybody.

5 VICE CHAIRPERSON HART: You do that frequently,  
6 receiving multiple ones on a hearing, which you know,  
7 makes sense. You're going to be here anyway, so why not  
8 have several.

9 MS. FOWLER: Exactly.

10 VICE CHAIRPERSON HART: So if you could  
11 introduce yourself for the record and we'll give you ten  
12 minutes to go through your presentation and you can begin  
13 when you'd like.

14 MS. FOWLER: Okay, great. Jennifer Fowler,  
15 architect. I'm the architect on this project. Address is  
16 1819 D Street SE. This is the project at 216 9th Street,  
17 NE for a rear two-story addition to an existing row  
18 dwelling. And we're asking for relief because of a lot of  
19 (audio interference) restrictions, as well as the rear  
20 step-back, but not the alley, but from the adjacent  
21 property.

22 So the issues we have, the house adjacent, 218  
23 9th Street, lines up with the rear of the property  
24 currently. And so on that side we're extending 10 feet 3  
25 inches beyond the house, that rear of the house. On the

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1 other side at 214 9th Street, that house is actually much  
2 shorter. It's only 32 feet deep from front to back, so we  
3 currently already have a 26 inch extended wall beyond that  
4 house, which we will be extending another 10 foot 3, for a  
5 total of just under 34 feet. So we're looking at kind of  
6 permission to extend that additional 10 feet 3 inches  
7 beyond this existing wall. So those are the two issues  
8 with this project.

9 I'm sorry, there's also a deck that's existing  
10 that actually counts toward the lot occupancy, so we  
11 removed that deck, which is also why the numbers, you  
12 know, right now we're at 67.9 and we're going to 69.5. So  
13 we don't have a huge difference in lot occupancy  
14 percentage points because of the fact that there's an  
15 existing high deck that's coming off. And this proposal,  
16 we're going to be putting in just a small landing. In  
17 worker circulation it doesn't count with coverage.

18 We have letters of support from both adjacent  
19 neighbors so we have 218, 214 have both signed letters of  
20 support and they're on the record. We are, of course,  
21 particularly concerned with 214 because we are extending  
22 that wall, but they were comfortable with the proposal.  
23 The homeowner left plans with 212 and 220, and didn't  
24 receive anything back, and they've also contacted 820  
25 Constitution, which is the house that's basically

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1 perpendicular but it seemed to be the one that would  
2 probably be most impacted on the adjacent street, and we  
3 did not hear anything negative or positive back from those  
4 owners as well. Again, we did try to do as much outreach  
5 as possible to reach out to these neighbors.

6           The ANC did support the project. We have that  
7 support letter in the record. The Office of Planning as  
8 well. I know the Restoration Society did raise some  
9 concerns about the extent of the wall there.  
10 Unfortunately, they didn't have a meeting so I wasn't able  
11 to really talk it through with them because everything got  
12 canceled, as you probably know. So it wasn't our typical  
13 kind of in-person meeting where we were able to kind of  
14 talk through the issues, unfortunately. So they've  
15 submitted a letter that they oppose the project.

16           But I did put in a sun study, it's in the  
17 record, that you can see, that there is very little  
18 impact. Most of the impact is on 218 because of the  
19 positioning of the addition. So 214 wall-to-wall is very  
20 deep and extends along that property line. It sits to the  
21 south with those projects so there will not be any  
22 additional shadows cast into their yard. But as I said,  
23 they've already said they're supportive of the project  
24 regardless of the impact.

25           And that's really all I have. If you want to

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1 ask me questions, please do.

2 VICE CHAIRPERSON HART: Sure. Thank you very  
3 much. Does the Board have any questions for Ms. Fowler?

4 MEMBER MAY: Yeah, did I hear you correctly  
5 that you, that abutting neighbors on both sides and they  
6 gave you support?

7 MS. FOWLER: Yeah.

8 MEMBER MAY: Because I was seeing 214, but not  
9 218.

10 MS. FOWLER: Okay, let me see.

11 MEMBER MAY: It's probably missing it  
12 somewhere.

13 MS. FOWLER: The name is Terra. It says Terra  
14 Lane. I can check the way it's on the record. Yes, I'm  
15 actually not seeing it in the record. I do have it, but I  
16 don't know if that's something I can submit before your  
17 decision.

18 VICE CHAIRPERSON HART: I think it would be  
19 helpful to have. If you could submit it after the hearing  
20 that would be helpful, at least for me.

21 MEMBER MAY: Yes, I agree, I mean, it would be  
22 helpful, particularly since they're the ones that are more  
23 impacted by the -- as we can see from the solar  
24 assessment.

25 MS. FOWLER: Okay. Yeah, I've got 214, I've

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1 got 218, and 224.

2 VICE CHAIRPERSON HART: Yeah.

3 MS. FOWLER: Were all signed letters of  
4 support. Plans were delivered to 212 and 220 and 820  
5 Constitution. So yeah, I can submit that into the record.  
6 I think it got lost with the shutdown.

7 VICE CHAIRPERSON HART: Yes, it is a fairly  
8 large wall that we're talking about on the southern side  
9 of the property. I mean, it's a large wall now, it's just  
10 going to be a larger wall.

11 MS. FOWLER: Right.

12 VICE CHAIRPERSON HART: Was there any -- I know  
13 this problematic only because it's really at the property  
14 line, but was there anything to try to break up the  
15 overall massing of the wall? You know, I'm not even  
16 exactly sure what that would look like.

17 MS. FOWLER: Yes, the first chunk of wall, if  
18 you look at the elevations, there's an existing brick wall  
19 and then in addition to the existing Hardy plank, or it  
20 might be vinyl currently. So the plan was to just kind of  
21 put new siding along that entire stretch past the brick.  
22 So I worked on two different sections to it, and you know,  
23 we'll definitely talk to them about, like, color options  
24 or, you know, kind of other ways of mitigating the impact  
25 on that wall.

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1 VICE CHAIRPERSON HART: Commissioner May, do  
2 you have any other thoughts on that wall, on the south  
3 elevation? It's just basically a 30 by almost 28 wall  
4 that we're talking about, and I just -- I don't know.

5 MEMBER MAY: Yes, I mean, at some point a wall  
6 is just a wall. Yes, I mean, I appreciate the concern,  
7 but I mean, the thing that I would normally want to see on  
8 a blank wall is windows and I'm sure that that's what the  
9 existing property owners wouldn't want to see.

10 VICE CHAIRPERSON HART: Yes, and I agree with  
11 that.

12 MEMBER MAY: Yeah, it's --

13 VICE CHAIRPERSON HART: That's why I was kind  
14 of like, you know, windows was the only thing that I could  
15 think of, but, you know, that's definitely not something  
16 you want to do, and I don't want to do faux stuff, so, you  
17 know, like a faux window or anything, that's just.

18 MS. FOWLER: Yes. Yes, we wouldn't be allowed  
19 to put windows on there because it's on the property line.

20 VICE CHAIRPERSON HART: Yeah, they'd be added  
21 as windows, yeah.

22 MS. FOWLER: Yeah, it's unfortunate because  
23 that house is so, it's like half the depth of the other  
24 houses, it's just funny how it really kind of creates the  
25 situation that, unfortunately, you know, we have reason to

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1 frame a little bit, but again, I think they're comfortable  
2 with it, so.

3 VICE CHAIRPERSON HART: Yeah, understood, and  
4 you're right, it does help that it's all in the southern.  
5 It's south of the building and this is, you know, it would  
6 be one thing if it were on the north of the building, you  
7 know, if it were reversed. And that shorter building was  
8 north of it, then it would be really in shadow, but you  
9 know, it is what it is.

10 MS. FOWLER: Right, right.

11 VICE CHAIRPERSON HART: Board Member John, do  
12 you have any questions for the applicant? We cannot hear  
13 you, unfortunately.

14 MEMBER JOHN: No, I can see, I guess it's more  
15 of a comment. I mean, that is a very long wall and  
16 ordinarily I would be quite uncomfortable with such a long  
17 addition, but then if the neighbor at 240 9th Street does  
18 not object or the neighbor on Constitution, whose backyard  
19 will be mostly impacted, I suppose I could support the  
20 application, but 23 feet at this location is a little  
21 long.

22 MS. FOWLER: Keep in mind the addition is only  
23 10 feet that we're asking for.

24 MEMBER JOHN: I know, but you're still going 23  
25 feet beyond the neighbor at 214 9th.

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1 MS. FOWLER: Yeah, right.

2 MEMBER JOHN: So I'm normally sympathetic, but  
3 I'm just a bit concerned about 214 9th. Maybe they're  
4 planning to build an addition as well, and perhaps that's  
5 why they're not objecting.

6 VICE CHAIRPERSON HART: Yeah, okay. Let's move  
7 to the Office of Planning. Good afternoon, Ms. Vitale.

8 MS. VITALE: Good afternoon, Mr. Vice Chair and  
9 members of the Board. Lisa Vitale with the Office of  
10 Planning. I'm standing in for my colleague, Mr.

11 Kirschenbaum on this case. The Office of Planning is here  
12 speaking on case 20250. We are recommending approval of  
13 the requested special exception release and will rest on  
14 the record of the staff report. I'm happy to answer any  
15 questions that you might have at this time. Thank you.

16 VICE CHAIRPERSON HART: Thank you. Do the  
17 board members have any questions for the Office of  
18 Planning?

19 MEMBER JOHN: No.

20 VICE CHAIRPERSON HART: Okay. Did the  
21 applicant have any questions for the Office of Planning?

22 MS. FOWLER: No, thank you.

23 VICE CHAIRPERSON HART: It's funny because I  
24 realize that it's like, you can't really look at anybody,  
25 you know, like usually you kind of look at somebody,

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1 you're like, I'm talking to you. But it's hard to do that  
2 if you're, you know, you've got the screen here.

3 So, do you have any final words that you'd like  
4 to say or in conclusion, Ms. Fowler? I don't think we  
5 have any questions for you, Ms. Vitale. Thank you.

6 MS. VITALE: Okay.

7 MS. FOWLER: I just want to thank Office of  
8 Planning for their report and no, nothing additional.  
9 Thank you.

10 VICE CHAIRPERSON HART: Okay, so I will close  
11 the record and close the hearing. And as we have done for  
12 the other cases, short deliberation.

13 I mean, I have some misgivings about the size  
14 of that wall on the southern elevation. However, it is on  
15 the southern elevation and the shadow itself will be cast  
16 to the north and there is support that we have heard, and  
17 I guess we will be getting that as a supplemental.

18 I'm sorry, I said I'd close the record, with  
19 the exception of the information that you're going to add  
20 in, Ms. Fowler. There were one or two letters that you  
21 were going to add in?

22 MS. FOWLER: Yes, thank you.

23 VICE CHAIRPERSON HART: Okay. So Mr. Moy, I  
24 just wanted to make sure that was clear. So I would be in  
25 support of this application after reviewing the ANC report

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1 and the Office of Planning report. I understand that the  
2 Capitol Hill Restoration Society was not in support of  
3 this. They basically were not liking the large wall  
4 either, and they kind of came down on that aspect of it,  
5 you know, so that's where we are, so.

6 Do my fellow board members have any comments  
7 that they'd like to make?

8 MEMBER MAY: Yes, thank you Mr. Chairman, Mr.  
9 Vice Chairman, Acting Chairman. I don't have much anxiety  
10 about the length of that wall, I mean, there already is a  
11 very substantial wall compared. And you know, 214 is a  
12 very shallow house, so I mean, circumstances like that  
13 happen, and it would be worse if the very shallow house  
14 were to the north side of a very long wall like that, but  
15 since it's on the south, you know, it's not affecting the  
16 sunlight as much.

17 In many ways it's a good thing because it  
18 actually gives, provides quite a lot of privacy to 214.  
19 So I'm not really troubled by that, you know, I think that  
20 it's good. You know, the owners of 216 it seems have a  
21 good relationship with the owners of 214, and hopefully  
22 they'll talk about things like, you know, what color it  
23 will be painted and so on, because that's always a good  
24 way to make sure that, you know, there are good  
25 relationships.

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1 I'm just not that concerned about it. I think  
2 it would be worse if we were talking about a 20 foot  
3 addition or something like that. I can't say that I fully  
4 understand why it's 10 foot 3 inches, but it doesn't  
5 really matter because it's not a significant difference  
6 from what's allowed as a matter of right, so I'm fine with  
7 it.

8 VICE CHAIRPERSON HART: Board Member John.  
9 Thank you very much, Mr. May.

10 MEMBER JOHN: I don't have much to add. I  
11 agree that the addition is not very large, and the  
12 situation is created because 214 9th Street is shallow, so  
13 I should be able to support the application based on  
14 repeat analysis and the impact of the analysis of the sun  
15 study.

16 VICE CHAIRPERSON HART: Okay, thank you. And  
17 Thank you very much, Ms. Fowler, and have a good  
18 afternoon.

19 MS. FOWLER: Thank you so much. It's nice  
20 seeing you all.

21 VICE CHAIRPERSON HART: Nice seeing you too as  
22 well. Take care. Okay, Mr. Moy, are we at the last one?

23 MR. MOY: Yes.

24 VICE CHAIRPERSON HART: All right, well, okay,  
25 that was a little quicker than I thought. So I guess this

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1 is 20249.

2 MR. MOY: Yes. The case you just addressed  
3 will be for decision next week, July 15th, for the record.

4 VICE CHAIRPERSON HART: Yes.

5 MR. MOY: Okay, so Case Application No. 20249  
6 of Vincent Gallagher, has amended for special exception  
7 under the Downtown-use requirements of Subtitle I section  
8 303.1(a), and pursuant to Subtitle X, Chapter 10 for a  
9 variance from the MU-Use Group E requirements of Subtitle  
10 U section 513.1(a)(2), to permit an animal care and  
11 boarding use on the ground floor of an existing mixed-use  
12 building. This is in the D-5 Zone at 22 M Street, NE  
13 (Square 672, Lot 858).

14 VICE CHAIRPERSON HART: Thank you, Mr. Moy.

15 So we have Mr. Gallagher here and Mr. Drury as  
16 well. Welcome.

17 MR. GALLAGHER: Thank you.

18 VICE CHAIRPERSON HART: And Mr. Drury, are you  
19 on video, or can you hear me? I cannot hear you because  
20 you're muted. I hope he can hear me. Can you me, Mr.  
21 Gallagher?

22 MR. GALLAGHER: I can hear you, yes, the  
23 microphone is red on John Drury, so I think maybe he's  
24 muted.

25 VICE CHAIRPERSON HART: There we go.

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1 MR. DRURY: Okay. Thank you very much.

2 VICE CHAIRPERSON HART: Can you hear me now,  
3 Mr. Drury?

4 MR. DRURY: I can.

5 VICE CHAIRPERSON HART: Okay, welcome both of  
6 you. If you could introduce yourselves and I'm not  
7 exactly sure -- Mr. Drury, I'm assuming you're going to be  
8 giving the presentation?

9 MR. DRURY: No, Mr. Gallagher will be giving  
10 the presentation. I'll just introduce myself.

11 My name is John Drury and I'm a lawyer in the  
12 District of Columbia. I have offices at 1900 L Street NW.

13 VICE CHAIRPERSON HART: Thank you. Mr.  
14 Gallagher?

15 MR. GALLAGHER: Hi, my name is Tucker  
16 Gallagher. I am the owner and founder of the Duncan Dog  
17 Hotel and I'm the applicant.

18 VICE CHAIRPERSON HART: Welcome. And do you,  
19 if you could, please step through how you think you are  
20 meeting the requirements for the relief that you've  
21 requested. In particular, I understand this is a variance  
22 case that you're looking for. You're seeking a variance.

23 One of the things that we were -- I was  
24 somewhat struggling with was the exceptional condition  
25 aspect of this. And this is an exceptional condition for

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1 the property owner for the property. And what is that,  
2 and how do you see that, if that is affecting this  
3 property.

4 MR. GALLAGHER: I have a PowerPoint  
5 presentation that I submitted and I don't know if you can  
6 pull that up.

7 VICE CHAIRPERSON HART: Mr. Young, if you  
8 could. I'm not sure which exhibit, or I guess you have  
9 the exhibit.

10 MR. YOUNG: 48.

11 VICE CHAIRPERSON HART: Thank you.

12 MR. GALLAGHER: There we go.

13 VICE CHAIRPERSON HART: I'll put ten minutes on  
14 the board. It's just for me to know where we are.

15 MR. GALLAGHER: I know, I'm sorry. I won't  
16 take very long, I know it's been a very long day.

17 VICE CHAIRPERSON HART: We've had longer,  
18 unfortunately.

19 MR. GALLAGHER: Okay, Mr. Young, could you go  
20 to the next slide and I'll just talk people through it.  
21 You can read this, this is part of the online record so  
22 you can read more of the details in that. But I wanted to  
23 just let you know that it's an exciting new business, dog  
24 ownership is exploding, if you haven't noticed, it's gone  
25 up 30 percent, 29 percent in the past ten years. And

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1 during the COVID crisis, if you haven't noticed, a lot of  
2 your neighbors have gotten dogs.

3           So there's going to be a real need when people  
4 start going back to work for caring for those animals.  
5 And that's part of the reason I have come around. I'm a  
6 dog owner myself with two dogs, and I've always had an  
7 issue trying to find daycare and boarding for them, and  
8 that's why I came up with the idea for the Duncan Dog  
9 Hotel.

10           We've looked at the NoMa neighborhood for  
11 several years, and I reached out to Drew Courtney last  
12 summer or last fall about putting a doggy daycare in this  
13 neighborhood because there are so many dogs and there's  
14 such a high density of residences without any daycare  
15 within walking distance, so that's why we really should  
16 focus on NoMa. We've had three events in local buildings,  
17 including Lofts 130, the Belgrade and 2M, and all the  
18 residents, especially those with dogs are excited about  
19 the opportunity.

20           So if you want to keep going, Mr. Young. This  
21 is a picture of the building, the white building is RESA,  
22 it's a brand new building built by Skanska, it's over 400  
23 units. It is adjoining to the 2M property, which you can  
24 see to your left, on the left hand photo of the red brick  
25 building. Together they form a block.

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1           So if you keep going, Mr. Young. Now my  
2 neighborhood is zoned as a D-5 neighborhood. There are  
3 eight apartment buildings of 300+ units within two blocks  
4 of where we propose putting in the doggy daycare, and  
5 seven out of eight buildings allow dogs, so anecdotally  
6 the red building managers say that 30 percent of residents  
7 have dogs. That makes over 1,000 dogs within a two block  
8 radius. Swampoodle Park, which is located on K Street and  
9 2nd has a staying capacity of nine dogs at a time. So  
10 1,000 dogs into a park of nine isn't really practical.

11           Mr. Young, can you, next slide. We show the  
12 building that we're proposing going into, which is  
13 designed as a mixed-use facility. Residences on top of  
14 retail; there are three RESA locations. They encourage  
15 dog ownership. RESA along with several other neighboring  
16 buildings all have doggie spas where you can wash your dog  
17 within the building as an amenity for the tenants, so it's  
18 obviously a pro-dog neighborhood. And RESA also set up a  
19 separate sealed trash area for commercial trash within the  
20 building off the loading dock, so odors will not affect  
21 any residents. I know that's a concern in one of the  
22 issues in the special exception.

23           Mr. Young, slide. Just to give you an idea of  
24 where we are. This is the location right off North  
25 Capital, between M and Patterson, and between North

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1 Capital and 1st. And we are in the southwest corner of  
2 the RESA building.

3           Slide. Once again, this is another detail for  
4 the space we're actually proposing. Slide again. This is  
5 a horizontal view of the vertical plan that we propose.  
6 The entrance to the street on M Street will be on the  
7 lefthand side, the lower left. Immediately above that  
8 will be small dog room, a large room, room for kennels,  
9 and then grooming area, bathing area, and a bathroom for  
10 staff and a staff room in the back. So that's our  
11 proposed design for it. You can check that out more  
12 later.

13           Slide. As I mentioned, this is just the  
14 amenities that we're looking for. Slide. And the special  
15 -- we believe technology can really help solve the  
16 problems that have been plaguing doggie daycares in the  
17 past because of soundproofing and because of waterproofing  
18 and scent diffusers, we can really address the issues that  
19 have traditionally affected dog daycares. We want to have  
20 sound-absorbing tiles above us to prevent any noise from  
21 going above.

22           Immediately surrounding us are two -- a utility  
23 hall, a prep kitchen, the street, and in the adjoining two  
24 end building is a fire staircase so there are no  
25 residences anywhere adjoining the space. The only place

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1 is immediately above and I've actually taken that  
2 apartment immediately above the space so that I can  
3 address any noise issues that do come up over the next  
4 year. And we are putting 48 inch plastered walls that has  
5 been recommended by the Board of Health, and we are taking  
6 as many steps as possible to make sure that we are running  
7 a clean, safe, sanitary facility for dogs.

8           Can you do the slide for me. Okay, so we are  
9 looking for two reliefs. One is a special exception under  
10 a D-5 Zone, which is required for any doggie daycare.  
11 There are five aspects of that. The second is an area  
12 variance. We applied for the space on recommendations  
13 from the ANC and I can go through each one of those  
14 points, point by point.

15           Slide, please, Mr. Young. So once again, this  
16 is a high density area. We hope to provide things for  
17 local residents, and we believe this is an aspect of --  
18 there's a lot of dog owners in the neighborhood that can  
19 really use this service. So if you can do the slide  
20 again.

21           Okay, so if you look at 303.1, there are five  
22 rules for animal, pet special exceptions. Sorry, that is  
23 my dog. If boarding is provided, you are located on the  
24 ground level. We proposed a ground level facility.  
25 Boarding is not permitted with a pet grooming

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1 establishment. Our primary focus is going to be daycare  
2 and boarding, so that is going to address that issue.  
3 Slide, Mr. Young. Once again, we are located at a D-5  
4 Zone and on a retail on the ground floor level so that  
5 addresses the 513.1.

6 Slide. Okay, when located in a mixed-use  
7 building, you should not be on the same floor as the  
8 residents or within one level of a resident. I'm going to  
9 address the one level at the end of this presentation in a  
10 few slides. But as I mentioned, there are no residences  
11 on the level of this building. At 2M there is a fire  
12 staircase. Immediately south of us is the street.  
13 Immediately to the west of us is a prep kitchen for the  
14 King Street Oyster House, and immediately behind us is a  
15 utility hall. And below us is the garage for the  
16 building. So there are no residences immediately within  
17 the immediate vicinity of the space.

18 Slide, Mr. Young. It's our intention to use  
19 technology to try and reduce any noise that the dogs to  
20 produce. We're going to do sound-absorbing tiles, we're  
21 going to use washable surfaces, we are going to use an  
22 acoustic floor with padding so that it helps the dog,  
23 easier on the dogs' paws, and it helps absorb the sound so  
24 there won't be as much clicking as you would hear from a  
25 concrete area. And we really feel we can address all the

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1 issues that have traditionally plagued doggie daycares by  
2 doing this.

3           Slide. There will be no external space. The  
4 only external space will be the front door, which will be  
5 where people pick up their dogs. Slide. As mentioned,  
6 we're going to use as much technology as possible to stop  
7 this. There are centers that, if you've ever been into a  
8 luxury building nowadays, they all have centers that  
9 diffuse a pleasant scent when you walk in. We plan on  
10 using that for that to actually also absorb foul odors.  
11 They have scent systems that will absorb foul odors and  
12 promote a pleasant scent, so we plan on using that. And  
13 then the animal waste, we plan on bagging immediately into  
14 small bags, putting it in a large bag, tying that up, when  
15 that is full we take it to the field commercial trash area  
16 on the other side of the building that we've been  
17 provided.

18           Slide, please, Mr. Young. Okay, now the second  
19 area is the area of variance and this, I believe, concerns  
20 the Chairman. What we are looking for, we have to meet  
21 three standards to meet the area of variance, and I know I  
22 got the letter from the ANC this morning and I put it in  
23 the record. I'm not sure if you've seen it, but it is in  
24 the record so you can check it. There are three areas  
25 that you have to address for an area of variance.

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1           One is affected by exceptional size. We  
2 believe that faced with a 20 foot ceiling and a poured  
3 concrete floor, it does qualify as level in between doggie  
4 daycare and residences. If you look at the building,  
5 actually all the floors are only 10 feet high. If you  
6 look at the apartment behind me, the residence is only a  
7 10 foot ceiling, so having a 20 foot ceiling below in the  
8 retail area does give the equivalent of two floors. So  
9 once again, we feel that this is an exceptional size that  
10 meets the criteria.

11           Mr. Young, can you do the slide, please. For  
12 strict application, yes, it would provide a practical  
13 difficulty, and I quote from the ANC letter, The ANC 6C  
14 believes that the proposed use at the site the criteria  
15 other than the vertical separation requirement for special  
16 exceptional relief under 513.1(a). Given the  
17 configuration of the building, 20 foot ceiling heights on  
18 the ground floor with residential directly above, we also  
19 find the applicant faces a practical difficulty sufficient  
20 to warrant variance relief. That is especially true here,  
21 where granting relief would neither be detrimental to the  
22 public good, nor cause substantial harm to the zoning  
23 regulations and where 513.1(a)(3) already requires the  
24 applicant to install sound attenuation materials. So as  
25 you can see, the ANC agrees with us and we actually

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1 applied for the area of variance based on the ANC  
2 recommendation after our meeting with them in March. So  
3 we believe we do meet the practical difficulties criteria.

4 Slide, Mr. Young. And the last one is, we  
5 believe, as the letter says, It is in the public good to  
6 have a doggie daycare facility in the neighborhood with so  
7 many dog owners because we believe dogs will have  
8 separation anxiety when people start going back to work.  
9 This is a way to mitigate that, socializing the dogs in an  
10 area with a high concentration of dogs in a dog park with  
11 only a capacity for nine dogs at a time.

12 Slide, Mr. Young. This is just the appendix to  
13 dog ownership stats. I'm happy to answer any questions.  
14 I know it's been a long day, but Mr. Chairman, I am done.

15 VICE CHAIRPERSON HART: I appreciate that, and  
16 I should have told you that the ten minutes was really for  
17 me to be able to know where we were, because it's just  
18 hard sometimes when you're having to juggle a couple of  
19 things to remember, How long have they been actually  
20 talking? So I know it was kind of like a countdown, and  
21 it's like, oh my gosh, I've got to do this the first time.

22 MR. GALLAGHER: I wanted to get through this.  
23 This has been a long day and I didn't want to -- and you  
24 can always read over this in the file.

25 VICE CHAIRPERSON HART: So I do appreciate

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1 that. I do see, and I had understood that. My question  
2 is, while you are the applicant -- sorry, while you are  
3 the owner of the business, the property owner is the  
4 actual applicant, and they are the ones that have to show  
5 that -- or you have to show how they are affected, and the  
6 practical difficulty has to be to them in terms of --  
7 let's say it this way. If we wanted to put in any other -  
8 -

9 (Background noise.)

10 MR. GALLAGHER: Sorry, go ahead.

11 VICE CHAIRPERSON HART: -- that didn't require  
12 a variance, so you're going to try to control your dog,  
13 it's going to be -- it's a long day for them too, right?

14 So actually, Mr. Young, if you could take down  
15 the -- it's a little easier to see folks. I'm realizing  
16 it's really tiny, but it's just because we have that.  
17 There we go. So, what I was talking about was really how  
18 is this a practical difficulty for the property owner, who  
19 really is the one that has to kind of demonstrate this. I  
20 understand that you are in front of us because this is  
21 your business that you are trying to place in this  
22 location, but this is a retail space that any other retail  
23 use could actually go in, and maybe not actually need the  
24 variance. But this variance really has to do with the  
25 floor. I understand that you're saying that it's double,

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1 quote-unquote, the height of a regular floor so it kind of  
2 meets the, I guess, spirit of the regulation, is your  
3 contention?

4 MR. GALLAGHER: Yes.

5 VICE CHAIRPERSON HART: Because right now I'm  
6 not sure if that's enough. And variances are fairly --  
7 they are a higher bar to have to go over. I'm not sure  
8 how familiar you are with zoning regulations, lots of  
9 people aren't, but you know, some people are. And I would  
10 like, you know, special exceptions are things that are  
11 foreseen in the zoning regulations and they are, you know,  
12 criteria is included in that to understand whether or not  
13 you meet or don't meet those criteria to be able to be  
14 granted that special exception.

15 A variance is something outside of the zoning  
16 regulations and so you're asking for something that is not  
17 included in the zoning regulations, which is again, why it  
18 is a much higher bar than would be a special exception.

19 MR. GALLAGHER: Well, two things. One, we're  
20 applying for the special exception, that was the original  
21 case.

22 VICE CHAIRPERSON HART: Yes.

23 MR. GALLAGHER: Because we need to do under the  
24 D-5 rules. The second aspect is the special variances.  
25 We consider the 20 foot ceiling as not necessarily

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1 qualifies as two floors. We were recommended to apply for  
2 the area variance by the ANC because they feel it is an  
3 important aspect of it. But we feel that we meet the  
4 criteria. We're only going to have 10 foot ceilings in  
5 the space, we're going to have a whole level above it. We  
6 could put in a mezzanine level above our retail, our dog  
7 operations, and use it for storage and use it for meetings  
8 if you deemed it necessary. But we feel we meet the  
9 requirement of two floors.

10 VICE CHAIRPERSON HART: Difficult, because I  
11 actually hadn't thought about it that way. I don't know.  
12 Do my fellow board members have any questions on this?

13 MEMBER MAY: Well, I have questions. Well, and  
14 one of my questions was going to be, well, have you talked  
15 with the owner of the building about building in a  
16 mezzanine level because that would, in theory, that could  
17 satisfy that requirement, and then make the special  
18 exception possible.

19 MR. GALLAGHER: Yes, if I may, yes we have.  
20 There's actually a letter in the file from the landlord  
21 explaining how they designed the retail level with 20 foot  
22 ceilings to accommodate a separation between their retail  
23 spaces and their residential spaces without putting in a  
24 mezzanine level. Putting in a mezzanine is expensive and  
25 takes air conditioning and takes power, and takes

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1 everything else, and it would be a relatively little used  
2 space if you can't rent it out for retail or you can't  
3 rent it out for residences. But we are willing to  
4 accommodate and put in mezzanine level, if you think. We  
5 can use the office space, we can use the storage.

6 But basically this is right now, the space as  
7 it exists is a 20 foot high concrete box. One wall is  
8 concrete, the other two walls are -- two walls are  
9 concrete and two walls are drywall, so it's easy to insert  
10 a mezzanine level. But we feel we meet the requirement  
11 without putting in a mezzanine level.

12 MEMBER MAY: Yes, okay. Well, we'll get to  
13 that question. Also, I was curious, you said that you  
14 took the apartment above this?

15 MR. GALLAGHER: Yes.

16 (Simultaneous Speaking.)

17 MR. GALLAGHER: We already had neighbors  
18 complaining, especially as we're just opening, so I  
19 wanted to be able to address any issues with smell or  
20 noise or whatever, so where I'm talking to you right now  
21 is directly above the retail space. So when we do open  
22 I'll be able to address any issues that do come up.

23 MEMBER MAY: Okay. All right, I just wanted to  
24 clarify that because you said it very quickly. My  
25 question was going to be, did you talk to the person in

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1 the apartment directly above, but I guess you don't have  
2 to.

3 MR. GALLAGHER: I do it every day.

4 VICE CHAIRPERSON HART: Unless you're talking  
5 to yourself, you know.

6 MR. GALLAGHER: Because I knew that's a very  
7 big concern, especially with a new building. I mean, I've  
8 lived in poured concrete floors before, but I know noise  
9 is a big issue with doggie daycare and that's why I really  
10 wanted to get in front of this. It was a brand new  
11 building, the apartment was available, I said, okay, let  
12 me take it and I will be the first one to address any  
13 issues that do come up.

14 MEMBER MAY: Okay, all right, well that's  
15 interesting to know. I don't know that it necessarily  
16 bears on the case, but it does demonstrate your commitment  
17 to what you're trying to do here, so that's always good to  
18 see.

19 MR. GALLAGHER: One thing, there is that letter  
20 from the landlord stating their intention for the high  
21 ceilings in the retail space to prevent --

22 (Simultaneous Speaking.)

23 MEMBER MAY: It's that I think the question is,  
24 or the issue is that it probably doesn't meet the  
25 requirement under zoning for there to be something between

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1 this retail use, the daycare, and the residential space  
2 above it. But if there were a mezzanine, I think there's  
3 a question that maybe we'd have to have the zoning  
4 administrator make a determination about whether that fact  
5 qualifies as a full, separate use. I don't know, because  
6 it's still part of your same use, so I don't know if it  
7 has to be, if it would have to be.

8 MR. GALLAGHER: Well, it would it be a non-dog  
9 use area.

10 MEMBER MAY: No, I understand that. I  
11 understand that.

12 MR. GALLAGHER: You know, that we could not put  
13 dogs on that level.

14 MEMBER MAY: Right, and I think that we'd have  
15 to, we'd probably have to have the zoning administrator  
16 make a decision that that's acceptable. But the thing is  
17 that we could undertake this case and decide only on the  
18 special exception, and then you'd have to, you know,  
19 figure it out with your landlord and with the zoning  
20 administrator, and hopefully you could figure it out and  
21 then go forward. Because I do think it's a pretty high  
22 bar to grant a variance based on what we see in this  
23 circumstance.

24 But anyway, I'm getting ahead of myself.  
25 That's it for my questions. Mr. Chairman?

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1           VICE CHAIRPERSON HART: Thank you. Board  
2 Member John?

3           MEMBER JOHN: So, I don't really have any  
4 questions. I think you've done a good job of explaining  
5 what your objective is, but I agree that the variance test  
6 is a very high bar and so far I don't think that the  
7 application explains or describes how there's an  
8 exceptional condition affecting that particular property  
9 in order to be granted a variance. So the fact that  
10 there's even a work-around, suggests in a way, that there  
11 is no exceptional condition.

12           But more importantly, this space, is like any  
13 other mixed-use space in the area, it's not particularly  
14 unique to this space. So I think you have a difficult  
15 time getting through that first prompt. I would take a  
16 bit different approach than Commissioner May because  
17 unless the variance test is satisfied, we don't get to the  
18 special exception. But first you have to qualify for the  
19 variance. First, you have to show there's an exceptional  
20 condition, then because of that exceptional condition  
21 you're not able to comply with the regulation and that  
22 causes a practical difficulty. So I think we're starting  
23 at the beginning, but it is encouraging to know that there  
24 is a potential solution.

25           So rather than move forward and trying to

1 decide the special exception, my recommendation would be  
2 that you try and talk with the DA to see if that  
3 workaround that the owner is proposing would meet the  
4 intent of the regulation.

5           And I'd just like to say that I recognize, and  
6 I'm sure that other board members do, that there is a  
7 great need for this doggie daycare center. We've seen  
8 these applications come before us many times, not in this  
9 particular situation, we've always had one or two, so  
10 there's a need, but the fact that there is a great need  
11 for this service and the tenants are in support and the  
12 ANC, all that is very helpful, but we still have to get  
13 through that first prompt of the variance test.

14           And maybe this is something that the  
15 Commissioner might want to look at, Commissioner May. I  
16 mean, I see the potential for this to keep coming up over  
17 and over, you know, in the future. So maybe there is some  
18 sort of a text amendment that might be appropriate.

19           VICE CHAIRPERSON HART: We can't hear you.

20           MR. GALLAGHER: Sorry, I muted. No, as a Ward  
21 6 resident you know the neighborhood is mostly filled with  
22 ten-story buildings at this point. So there isn't really  
23 a practical area where you could put a one-story facility,  
24 and that's why I think the developers of these large  
25 buildings are doing high ceilings in the ground level

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1 because they want to keep those separate while still  
2 building a substantial building.

3 MEMBER JOHN: You know, I think it's a problem  
4 with the regulation. It's not something that we can carve  
5 out, I don't think.

6 VICE CHAIRPERSON HART: And I should be remiss  
7 in acknowledging ANC Commissioner Drew Courtney. Thank  
8 you for joining us. I just noticed that you were down  
9 there, so I apologize for not recognizing you earlier.

10 MR. COURTNEY: No problem.

11 VICE CHAIRPERSON HART: Yeah, I didn't know.  
12 Oh, I'm sorry, Commissioner May, did you have something?

13 MEMBER MAY: Yes, I wanted to respond to a  
14 couple things Board Member John mentioned. Yes, I mean, I  
15 think you're right, we do need to resolve the question of  
16 variance with a need. If we can eliminate the need for  
17 the variance, that should come first before we decide on  
18 the special exception. As for the need for text  
19 amendment, you know, we had to tweak the regulations for  
20 this sort of use in the past, and the, you know, situation  
21 has continued to develop and evolve.

22 I mean, ten years ago I don't know that we were  
23 seeing any cases like this at all. Certainly not when I  
24 started on the zoning commission back in 2001, we weren't  
25 seeing anything like this at all. We would occasionally

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1 see a kennel lease, and nothing like this in terms of  
2 doggie daycare. But it's become more and more prevalent  
3 as a use, and as I said, we have made some adaptations to  
4 regulations already.

5           It seems like maybe we need to make more  
6 because in a circumstance like this I do believe it is  
7 technologically feasible to provide adequate soundproofing  
8 given that you have the 20 foot ceiling height, but that,  
9 you know, that doesn't help us in this case, but it could  
10 be reason for modifying the regulations once again so we  
11 don't have to put folks through a more difficult process.

12           VICE CHAIRPERSON HART: So ANC Commissioner  
13 Courtney, welcome. And I didn't know if you had any  
14 questions or anything for the applicant.

15           MR. COURTNEY: So I don't have any questions  
16 for the applicant. I just wanted to let you know we sent  
17 our letter in which shows our support for the special  
18 variance and for the special exception, excuse me. We  
19 think that it meets the criteria for both. I think there  
20 was some question in our QZE committee about whether or  
21 not a mezzanine would meet the criteria, and so we thought  
22 that this was the right answer.

23           I should say, you know, I'm authorized to  
24 present testimony on behalf of the ANC. This is an  
25 applicant who's been working with us, as he mentioned,

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1 since many months ago, back when we could still meet in  
2 person. He accepted the feedback that was presented when  
3 there was an issue raised that a variance might be  
4 necessary. He incorporated feedback at every step. He's  
5 been responsive, and he's clearly worked throughout the  
6 process. I think I'm glad it was noted that he decided he  
7 would put his money where his mouth was and rent the  
8 apartment upstairs from the shop.

9 He's clearly been invested in doing the right  
10 thing, both for the spirit of the law and for the good of  
11 the community throughout this entire project. So I just  
12 wanted to make sure that I was here today to make clear  
13 that we think that this is a good business for the  
14 community. We think this is a great business owner for  
15 the community. And we think that this is the place where  
16 it should go. So I'll refer to the letter for our kind of  
17 specific stance on the questions in this case, but we  
18 strongly support the applicant in this.

19 VICE CHAIRPERSON HART: Thank you very much.  
20 So I'll move to the Office of Planning. Thank you, Mr.  
21 Gallagher, as well. Right now we're going to go to the  
22 Office of Planning. I don't think we have anybody signed  
23 up for this, so right now if we could hear from Mr.  
24 Mordfin. Good afternoon, sir.

25 MR. MORDFIN: Good afternoon, Chair, members of

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1 the board. I'm Stephen Mordfin with the Office of  
2 Planning. The Office of Planning does support this  
3 application in approving the variance. I think while the  
4 issue with the variance is the biggest deal, so I'll just  
5 let you know why the Office of Planning supports it.

6           You know, with first probably being, what is  
7 the contextual situation. We thought that, compared to  
8 the rest of the city, we thought that these were unusually  
9 high floors, which means that it does provide the physical  
10 separation that was intended by the zone variance to  
11 separate these uses from the residential uses that might  
12 be above.

13           While at the same time, if you also had another  
14 floor above this or in mixed-use buildings, which is what  
15 this regulation is intended to be directed at, what  
16 happens is that you have an eventual large amount of  
17 residential buildings that, I'm sorry, the mixed-use  
18 building is dedicated to commercial uses before you get to  
19 the residential.

20           So we thought that that was the exceptional  
21 situation, and then the practical difficulty is that if  
22 you had to add another floor, because after what I just  
23 said, you know, then you have a large portion of this  
24 mixed-use building dedicated to uses other than  
25 residential before you got to the residential portion.

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1 You know, for the use of building materials, we could see  
2 that there would be any substantial harm and then there's  
3 a separation of the uses, you know, we didn't think that  
4 would harm the zoning regulation, so therefore, we found  
5 that the application did meet the requirements for the  
6 granting of the variance, and also the special exception.

7 Thank you.

8 VICE CHAIRPERSON HART: Thank you, Mr. Mordfin.  
9 So the exceptional condition is that these are higher  
10 floors than normal?

11 MR. MORDFIN: The fact that what we look for is  
12 we look for 14 foot ceilings in the modern buildings that  
13 are constructed today, whereas the older buildings had  
14 even lower ceilings. This one is 20 feet, and while I do  
15 not know how many 20-foot high first floors there in NoMa,  
16 it's not something that I have come across often, not that  
17 I've done a survey of all the buildings in the district,  
18 including what's under construction now, but that was just  
19 my impression.

20 VICE CHAIRPERSON HART: But in some ways I feel  
21 like this is somewhat conflating the issues. You're  
22 saying the exceptional condition is a 20 foot ceiling, how  
23 does that equate to this being, you know, a practical  
24 difficulty for the owner?

25 MR. MORDFIN: By the fact of the difficulty if

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1 you were then to take the next floor where the applicant  
2 himself has rented an apartment and make that floor into  
3 office space, then you've got an awful lot of a mixed-use  
4 building specifically, only has, like, the first floor.

5 VICE CHAIRPERSON HART: Can you hold on one  
6 second? Mr. Gallagher, Mr. Gallagher, can you mute for a  
7 second?

8 MR. GALLAGHER: Sorry.

9 VICE CHAIRPERSON HART: It's just --

10 MR. GALLAGHER: I had to bribe the dogs.

11 VICE CHAIRPERSON HART: Well, I will say, Mr.  
12 Gallagher, the best part about this is that we have the  
13 dog in the background that we really can't see, but we can  
14 hear all of the things that are going on with it. The  
15 squeeze toy and, so it's much appreciated.

16 MR. GALLAGHER: I'm sorry.

17 VICE CHAIRPERSON HART: No, no, it's fine, it's  
18 fine. I really like it. I'm sorry, Mr. Mordfin, you can  
19 continue.

20 MR. MORDFIN: I'm sorry, okay, I think I lost  
21 my train of thought.

22 VICE CHAIRPERSON HART: You were saying --

23 MR. GALLAGHER: I'm not the culprit. That's  
24 her.

25 MR. MORDFIN: Oh, you were talking about with

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1 the exceptional situation, and typically, you know, you  
2 have the first floor, there might be whatever kind of  
3 commercial office uses there are and then above that we  
4 have in our mixed-use building, the apartments. There's  
5 that 20-foot high first floor, so what makes that  
6 different is that then in order for all of this to work  
7 with the way the regulations are written is that you would  
8 then have the next floor would also be commercial. And so  
9 that would be an unusually large amount of a mixed-use  
10 building that's dedicated to commercial and residential  
11 that could not be used for residential purposes. So  
12 looking at it that way, that would be the exceptional  
13 situation and the practical difficulty would be that  
14 requiring that much of a mixed-use building to be  
15 dedicated to uses other than residential would be unusual.  
16 So that's how I came to those conclusions.

17 VICE CHAIRPERSON HART: Okay. I'm sorry, I'm  
18 typing as I'm talking to you. Does the board have any  
19 questions for the Office of Planning? Not everybody speak  
20 at once.

21 MEMBER MAY: I appreciate the creativity in  
22 that argument, but I'm not sure I buy it. Yeah, it's sort  
23 of, if anything, the exceptional condition is that it is,  
24 you know, it's in some way -- it doesn't make it harder to  
25 use the property is what it boils down to. So the

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1 property could still be used for something else. It could  
2 still be used for something else. I understand that it's  
3 been awhile and hasn't been leased, but that is not  
4 grounds for a variance. Like I said, kudos for  
5 creativity.

6 VICE CHAIRPERSON HART: Board Member John. We  
7 cannot hear you. Yes, so we didn't hear anything that you  
8 just said.

9 MEMBER JOHN: That was a great way to say what  
10 I was thinking, and a very complimentary way to say that.  
11 So I think the option might be the mezzanine, if that's a  
12 workaround. And I don't know if having a mezzanine would  
13 therefore create the exceptional condition, maybe. So  
14 that's sort of where my thinking is.

15 I support, you know, what the applicant is  
16 trying to do, I think it's great. It's just that we have  
17 to fit it in the regulations, and right now it's like  
18 trying to, what's the phrase, putting a square peg in a  
19 round hole or something like that. It's difficult for us  
20 there even though we would like to get there, but you  
21 know, if another applicant came with the same situation we  
22 would end up at the same place if we did not find that  
23 exceptional condition. It's like the magic gate that you  
24 have to walk through before we get to the special  
25 exception. So I would like to explore that option. Can't

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1 hear you, Mr. Chairman. Mr. Vice Chair, you're muted.

2 VICE CHAIRPERSON HART: Yes, of course. Well,  
3 you know, I had to do it too, I guess, a couple of times.

4 MEMBER JOHN: Somebody has to do it at some  
5 point.

6 VICE CHAIRPERSON HART: Of course, it was just  
7 now, I think, two or three maybe, I don't know. Lost  
8 count.

9 I don't necessarily have a question for the  
10 Office of Planning, but I think it sounds like there is  
11 some more work that we would like to at least hear or see.  
12 Part of that would be from the applicant, Mr. Gallagher,  
13 in either reaching out to, maybe it's the ZA, maybe it's a  
14 further conversation with OP, about the mezzanine issue  
15 because I'm not sure if that would be considered a  
16 different use or different floor, and therefore be able to  
17 say there was a floor between in the 20 feet, the  
18 mezzanine would be able to be used as another floor  
19 between the dog use and the residential use that was above  
20 -- on whatever you want to call that, second floor, I  
21 don't know, whatever it is above that.

22 So I think that that may be helpful to have  
23 because it would -- right now I don't think I'm convinced  
24 on the exceptional condition aspect of it, but that may  
25 get me there, and so that's what I'm actually looking for

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1 from Mr. Gallagher, is to have that further conversation  
2 with I guess it would be the ZA, because they would be  
3 the ones that would have to -- the zoning administrator at  
4 DCRA. He would be the one that would be actually making  
5 that determination.

6 The only question is, what's the timeline in  
7 trying to get that done? And I know time is money  
8 normally and that you're, you know, not opening is not  
9 helping, so I'm cognizant of that and I'm not sure what  
10 your thoughts are on that, so I'll let you respond to  
11 that. And then Commissioner May, sorry.

12 MR. GALLAGHER: Commissioner May, do you want  
13 to go?

14 MEMBER MAY: If you don't mind. I would just  
15 say that I recall a past case, and I don't know whether it  
16 was something that wound up in front of the zoning  
17 commission or the BZA, and it may have been more than one,  
18 but the boarding use was actually contained within the  
19 basement space and there was a grooming or something like  
20 that that was on the ground floor. And then there were  
21 apartments above that. And I think that we were able to  
22 approve that without having to do a variance. And again,  
23 I don't remember the case, but I remember it was something  
24 like that.

25 VICE CHAIRPERSON HART: Was that case up near

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1 Howard? Didn't we just hear a case like that?

2 MEMBER JOHN: We denied that one. No, we  
3 granted that one because --

4 VICE CHAIRPERSON HART: Yeah, the dog grooming  
5 one was actually in NoMa.

6 MEMBER MAY: This goes back two or three years  
7 for me.

8 VICE CHAIRPERSON HART: Oh, okay.

9 MEMBER JOHN: Oh, okay.

10 MEMBER MAY: And I only mention this because it  
11 may be a precedent for the zoning administrator to make a  
12 decision within the same space that's leased by a single  
13 business, so long as the daycare and boarding portion of  
14 this were separated by a floor of non-boarding or non-  
15 daycare use, that that may be acceptable. I mean, I think  
16 that could be precedent for a mezzanine to work in that  
17 circumstance.

18 And I think it goes back to the intention when  
19 the zoning regs were modified to even allow this use in  
20 this sort of a circumstance, in a mixed-use building  
21 where, because I think we were thinking that the boarding  
22 uses would actually occur on a basement level, and then  
23 there would be regular retail and then there would be  
24 apartments above it.

25 Anyway, that may be a way to pursue it and

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1 persuade the zoning administrator. Of course, my memory  
2 on this could be faulty. There's just a lot of zoning  
3 cases and sometimes they blur together.

4 VICE CHAIRPERSON HART: So the question is for  
5 Mr. Gallagher.

6 MR. GALLAGHER: Yes, to address your issues,  
7 one, do look in the file, there is a letter from the  
8 landlord saying that they did deliberately make these high  
9 ceilings to separate the two spaces to go along with Mr.  
10 Mordfin's comments.

11 But two, yeah, adding a mezzanine was always on  
12 the table because I understand that's what the law says,  
13 and right now in terms of construction, this is a raw  
14 space, it's an empty box, so we're putting in all the  
15 walls, the water, everything else. So adding a mezzanine  
16 floor is not an issue, but we felt the case was strong  
17 enough to apply on its own right now, but if you think we  
18 should go back and apply to the zoning administrator for a  
19 mezzanine level, we can do that.

20 MEMBER MAY: It's not a question of applying  
21 per se, I think you can just meet with them and get an  
22 opinion from them up front on whether they would approve  
23 that, a mezzanine use, and would determine that it would  
24 meet that requirement.

25 Now they may kick it back to use to decide.

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1 Who knows, in which case I'm sure we would get a favorable  
2 report from the Office of Planning on that strategy so  
3 that also could give us a path forward.

4 MR. DRURY: May I comment?

5 VICE CHAIRPERSON HART: Sure, Mr. Drury.

6 MR. DRURY: Thank you very much. There's a  
7 certain amount of flexibility that has been suggested by  
8 the commission here, and Mr. Gallagher and I will  
9 certainly walk away from this hearing today with a  
10 recognition that while there are some procedural problems  
11 here, that there seemingly is an interest, both a far-  
12 sighted interest to deal with these types of unique doggie  
13 daycare centers in the NoMa area, and also the flexibility  
14 on behalf of Mr. Gallagher and the owner of the building  
15 to reach some accommodation that will satisfy your  
16 concerns. That's all I have to say.

17 VICE CHAIRPERSON HART: Thank you. So where we  
18 are right now, Mr. Gallagher, I don't think I want to  
19 close this hearing. I think we have quite a bit of  
20 information, not quite a bit, we need some further  
21 information from you regarding the mezzanine issue and how  
22 the ZA would be thinking about that, the zoning  
23 administrator would be thinking about that, and if you  
24 could, if you are planning with that, I would like to  
25 have something from Mr. Mordfin from the Office of

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1 Planning to understand how you're looking at that as well.

2 I mean, I understand that you are in support of  
3 this, but if we're not going to do the mezzanine and it's  
4 just going to be what we have right now as a project, I  
5 think we need to have more in terms of the accessible  
6 condition aspect of it. If we're going for the mezzanine  
7 then I'd like to have some opinion from the Office of  
8 Planning that focuses on that in particular. But right  
9 now I don't think I'm able to, I'd be able to support the  
10 variance aspect of it.

11 We haven't really talked about the special  
12 exception aspects of it, but I think the variance piece is  
13 more prevalent in my mind right now that we need to kind  
14 of deal with that. So I would like to have that  
15 additional information so that we could be able to kind of  
16 talk about the rest of the application.

17 And I don't know if my board members will have  
18 any other responses or comments. Board Member John?

19 MEMBER JOHN: So to be clear, the mezzanine is  
20 not an additional floor, but I think it could be a way to  
21 meet the spirit of the regulation which calls for the  
22 vertical separation between the doggie daycare and the  
23 residents. So if the ZA is willing to go along with that  
24 interpretation then I think we could see a way forward.  
25 If that doesn't work, I have to be really frank with you

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1 because I like to be clear. I don't see how you can, the  
2 owner, because the requirement is for the owner, how the  
3 owner can show that there's a special exception in the  
4 circumstance because it's a regular retail space. It can  
5 be rented to some other business, and that the practical  
6 difficulty here is primarily because the intent is to have  
7 a doggie daycare center in this space. The regulations  
8 are -- well, the case law is fairly clear that the purpose  
9 of the use, the need for that particular use can't be the  
10 basis of the special exception, of the unique situation.  
11 It can't be driven by the use. So I think that you have a  
12 high bar to meet just to get through that point, and so  
13 I'm hoping that the mezzanine -- because I support what  
14 you're doing, I just can't get there from here.

15 VICE CHAIRPERSON HART: Commissioner May, do  
16 you have any thoughts about this?

17 MEMBER MAY: No, I think you summed it up  
18 pretty well and I agree with Board Member John's comments.

19 VICE CHAIRPERSON HART: Thank you. So I guess  
20 the question would then be when we could actually do this.  
21 Currently, Mr. Gallagher, the board meets, of course,  
22 every Wednesday up until August the 5th, and then after  
23 that we are off for our break and then the board will not  
24 be back until September, kind of almost mid-September  
25 actually.

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1           So I don't know how quickly you will be able to  
2 get to the BZA and the zoning administrator. It can be  
3 difficult to do at times, and I don't know, I'm not sure  
4 what, how to do that. Maybe we can just set some times,  
5 and then see if we can try to work back from there and see  
6 where we are with that. That may be the best way to go.  
7 Right now, like I said, well, actually, Mr. May you're  
8 back on August 5th anyway, for at least a decision. Or  
9 no, a continued hearing already, correct? I can't hear  
10 you.

11           MEMBER MAY: Yeah, I think I agreed to that.

12           VICE CHAIRPERSON HART: Unwillingly or not,  
13 yes, I think you did.

14           MEMBER MAY: What was I thinking.

15           VICE CHAIRPERSON HART: I know. So what that  
16 means, Mr. Gallagher, is that will give you some time to  
17 be able to meet with the zoning administrator, get some  
18 sort of determination from them, have the Office of  
19 Planning give a supplemental report and you might find  
20 that you -- I'm not sure if you're going to be able to get  
21 to the zoning administrator, but it would be helpful to at  
22 least give you some time to do that.

23           I know that this is, you know, that's not  
24 close, it's a month from now, but I think you may need  
25 that time to be able to have those discussions. I'm just

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1 not sure if you'll be able to get that in a week or two.  
2 So that's kind of where we are.

3 MR. GALLAGHER: I mean, I'm willing to try.  
4 I'm very persistent.

5 VICE CHAIRPERSON HART: That's fine. I kind of  
6 understood that. Not many people say that they bought  
7 above, they bought a --

8 MR. GALLAGHER: I didn't buy it, I rented it.

9 VICE CHAIRPERSON HART: I was like, wow, okay.  
10 That is definitely persistent.

11 MR. GALLAGHER: Because I want to do everything  
12 possible to make sure this works and be as least  
13 confrontational or as amenable to the neighbors as  
14 possible, so that's why I did this. But no, I'm willing  
15 to try to get to the zoning administrator. Could we be  
16 slated for the 29th?

17 VICE CHAIRPERSON HART: Well Commissioner May  
18 is not here at all. He's not available at all for that,  
19 and I'd like to have him here for the conversation, and  
20 since there are just the three of us, since there are just  
21 the three board members here, the decorum for this, if  
22 someone else, if they stepped in they'd have to actually  
23 go through the entire case, the record itself, as well as  
24 listening to the conversation that we've had or read the  
25 transcript to be able to be up to speed on all of this.

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1 So that's why I was looking for the Commissioner May to be  
2 back. And you know, he's such a pleasant fellow that we  
3 wanted to have him back here for the discussion.

4 MR. GALLAGHER: So but then August 5th is good  
5 too.

6 VICE CHAIRPERSON HART: Okay. Mr. Moy, if we  
7 could talk about the kind of backing out on the schedule  
8 from August 5th with the submittals that we'd like to have  
9 from the applicant, as well as from the Office of  
10 Planning. And I don't know, I'm sorry, Commissioner  
11 Courtney, I have not been addressing you or talking to you  
12 that much right here. You are a party as the ANC of the  
13 party in this case. I did not hear any thoughts on this.  
14 I doubt think you all would necessarily want to give any  
15 feedback on this in that you've already supported the  
16 application itself, but I wanted to just double-check with  
17 you.

18 MR. COURTNEY: Yes, I appreciate that. I think  
19 we've said what we wanted. In way that we can weigh in I  
20 think we've made clear that we think that this is  
21 appropriate for the space and so want to be supportive,  
22 and of course, I'll be in contact with applicant.

23 VICE CHAIRPERSON HART: And you're more than  
24 welcome to join us again on August 5th as well.

25 MR. COURTNEY: Thank you

1 VICE CHAIRPERSON HART: So, Mr. Moy.

2 MR. MOY: Okay, I'll need a little bit of help  
3 because this is a pretty tight schedule working from  
4 August 5th.

5 VICE CHAIRPERSON HART: I know.

6 MR. MOY: Is that a decision or a continued  
7 hearing?

8 MEMBER MAY: Continued hearing.

9 VICE CHAIRPERSON HART: I guess we have to.

10 MEMBER MAY: We'll have submissions from the  
11 applicant, submissions from OPE and I'll ask questions and  
12 cross.

13 MR. MOY: Okay, let me start with this and then  
14 you all make the adjustment in the timeline. If the  
15 applicant can make their filing into the record by, I'm  
16 going to suggest, by July the 24th, which is a Friday,  
17 because contacting the ZA, we know from experience is kind  
18 of a challenge. I would get at it again tomorrow because  
19 I'm guessing the ZA is going to be going on vacation, but  
20 I could be wrong. So if that can get filed by Friday,  
21 July the 24th then OP can make their supplemental by --  
22 I'd like to at least get it either Wednesday or Thursday,  
23 July 29th. Can you do that OP or you prefer July 30th,  
24 which is a Thursday?

25 MR. MORDFIN: I think they're both pretty much

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1 the same, it's only one day apart, so.

2 MR. MOY: Okay, well, you want that Friday the  
3 31st.

4 MR. MORDFIN: Okay, I'll take that.

5 MR. MOY: Let's do that.

6 MR. GALLAGHER: And I'll keep you updated on  
7 the discussions with the zoning administrator so that you  
8 can have your opinions ready and the thought process done.

9 MR. MOY: Yes, okay, do I need to go over those  
10 dates again, or are you fine with that, Mr. Vice Chair?

11 VICE CHAIRPERSON HART: I think I understand  
12 them.

13 MR. MOY: Okay. So the applicant files July  
14 24th, OP files their supplemental July 31st, and we'll  
15 come back for a continued hearing on August 5.

16 VICE CHAIRPERSON HART: That's it. Thank you  
17 very much, Mr. Gallagher. ANC commissioner, thank you as  
18 well, and Mr. Mordfin, we'll see you again, sir. And  
19 thank you Mr. Drury as well.

20 MR. GALLAGHER: Thank you.

21 VICE CHAIRPERSON HART: Okay, Mr. Moy, anything  
22 left on the calendar unattended?

23 MR. MOY: If there is, it's not going to be  
24 anything from the staff.

25 VICE CHAIRPERSON HART: All righty then, well,

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1 just so that we know that Commissioner May has more work  
2 to be done after this, have a wonderful afternoon or  
3 evening, and I will see you all, I guess, next week.

4 (Whereupon, the above-entitled matter went off  
5 the record at 5:17 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 07-08-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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